



## Belarus

### Country Reports on Human Rights Practices - [2003](#)

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According to its amended Constitution, the country is a republic with a directly elected President. President Alexander Lukashenko intensified his attack on democratic institutions. First elected in 1994, Lukashenko amended the 1994 Constitution in 1996 through a seriously flawed referendum and extended his term in office in 2001 through an election process that the Organization for Security and Cooperation in Europe (OSCE) described as neither free nor fair. In March and November, local elections were held that were neither free nor fair. The judiciary is not independent.

The Committee for State Security (KGB) and the Ministry of Internal Affairs (MVD), both of which report directly to the President, share law enforcement and internal security responsibilities. The Presidential Guard--created initially to protect senior officials--continued to act against the political enemies of the Lukashenko Government with no judicial or legislative oversight. Apart from the President, civilian authorities did not maintain effective control of the security forces. Members of the security forces committed numerous serious human rights abuses.

The economy was centrally planned with industry accounting for approximately half of economic output. The country had a population of just under 10 million, although this number was decreasing. The majority of workers were employed in the state industrial and state agricultural sectors. In the state sector, wages were lower than the national average and wage arrears were chronic though often of short duration and limited scope. The living standards for many segments of society remained low. The Government reported GDP growth of 6.3 percent, but wages remained flat (and decreased against the euro), averaging approximately \$130 per month. While unemployment remained low at 3.5 percent, underemployment was widespread.

The Government's human rights record remained very poor and worsened in some areas; although there were improvements in a few areas, it continued to commit numerous abuses. Authorities effectively continued to deny citizens the right to change their government. Authorities did not undertake serious efforts to account for the disappearances of well-known opposition political figures in previous years and continued to discount credible reports regarding the Government's role in those disappearances. Police abuse and occasional torture of prisoners and detainees continued. There were also reports of severe hazing in the military forces. Prison overcrowding remained a problem. Security forces arbitrarily arrested and detained citizens, and the number of politically motivated detentions remained high, although most of these detentions were for short periods. Security services continued to infringe on privacy rights and freedom of movement by closely monitoring the activities of opposition politicians, human rights organizations, and other segments of the population.

The Government continued to restrict freedom of speech and of the press, and did not respect freedom of assembly or association. The Government introduced several new decrees that further restricted these freedoms. It intensified an assault on the independent media that resulted in the closure of several newspapers and the jailing of journalists on libel charges. It severely restricted the activities of NGOs, closing many of them. Religious freedom was severely restricted, and the Belarusian Orthodox Church (BOC) was favored as the expense of nontraditional religions. The Government restricted freedom of movement. Opposition political parties and movements were subjected to increased pressure through both judicial and extrajudicial measures, including physical abuse of political opponents. Security agents closely monitored human rights organizations and hindered their efforts. Societal violence and discrimination against women remained significant problems. Authorities continued to restrict severely workers' rights to associate freely, organize, and bargain collectively. Trafficking in women and children remained a problem, which the Government took some steps to address.

RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, including freedom From:

### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

There was no credible government effort to solve the disappearances and presumed killings of journalist Dmitry Zavadsky in 2000 and opposition figures Yury Zakharenko, Viktor Gonchar, and Anatoliy Krasovsky in 1999 (see Section 1.b.). Observers suspected that Zakharenko, Gonchar, and Zavadsky, who each worked for the Lukashenko Government prior to joining the opposition, were killed because of their involvement with the opposition. Zavadsky was officially declared deceased on November 28, although no body was found.

On December 31, the Minsk City Court convicted two police officers who had been charged with beating a homeless man to death in September 2002.

After an investigation by independent foreign experts, a court in Ukraine ruled that the 2002 death of Ukrainian journalist Mykhailo Kolomiyets in the country was a suicide.

### b. Disappearance

There were no confirmed reports of politically motivated disappearances.

The disappearances and presumed killings of television cameraman Dmitry Zavadsky, former Minister of Internal Affairs Yury Zakharenko, 13th Supreme Soviet Deputy Chairman Viktor Gonchar, and opposition supporter Anatoliy Krasovsky remained unresolved despite the 2002 conviction of four members of the SOBR (a special Ministry of the Interior SWAT team). There were credible reports of involvement of senior government officials in the disappearances. Such reports were reinforced when President Lukashenko acknowledged to the press that he had ordered the security services to kidnap a former Belarus Ambassador and return him to the country (an order that was not carried out). The U.N. Commission for Human Rights (UNCHR) approved a resolution on April 17 urging the Government to conduct an impartial investigation of the disappearances of Krasovsky, Gonchar, Zakharenko, and Zavadsky, and to begin by suspending those senior officials suspected of involvement (see Section 4); however, the Government made no credible effort to solve these cases during the year. The Parliamentary Assembly of the Council of Europe sent a Special Rapporteur to investigate the disappearances of Krasovsky, Gonchar, Zakharenko and Zavadsky; a report on this investigation was pending (see Section 4).

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both the 1994 and 1996 Constitutions prohibit such practices; however, police and prison guards regularly beat detainees and prisoners. By law, police and prison officials may use physical force only against detainees and prisoners who are violent, have refused to obey the instructions of the prison administration, or have violated "maliciously" the terms of their sentences. However, human rights monitors repeatedly reported that investigators coerced confessions through beatings and psychological pressure.

Police and plainclothesmen occasionally beat individuals while arresting them or holding them in detention. On July 23, police beat Dmitry Dashkevich, Artur Finkevich, and 16-year-old Oleg Gnedchik during their arrest for posting political fliers. Police did not respond to a complaint by Gnedchik's parents requesting criminal proceedings against the responsible police officers by year's end.

The Minsk Prosecutor's office did not institute proceedings against the police in response to Dmitry Dashkevich's complaint of brutality during his arrest and detention in February 2002.

During the year, a Brest court sentenced a policeman to 100 hours of public service after a judge convicted him of groundlessly beating Pyotr Savchuk and causing what was termed minor injuries. Savchuk suffered a cerebral injury, a concussion, and several contusions and spent 12 days in the hospital. According to Savchuk, the judge repeatedly suggested that Savchuk drop the trial and settle out of court (see Section 1.e.).

Police also beat participants in demonstrations and delayed medical care while they were in detention (see Section 2.b.). Retired police Lieutenant General Myacheslav Grib told journalists in 2002 that the police enjoyed "permissiveness and impunity for several years." He said that police violence against peaceful street demonstrators, which had become an ordinary occurrence and was almost encouraged by authorities, had made

the process uncontrollable and that more individuals were victims of ill treatment.

On March 26, police pulled Anton Kishkurno out of a car and beat him during his arrest for failure to produce documents. Kishkurno was waiting outside of a courtroom where his father faced trial for organizing an unauthorized demonstration. He suffered a broken arm and facial injuries; after a short detention, Kishkurno was taken to a hospital. His trial was postponed on several occasions because of the failure of police officials to appear.

During the year, unknown persons attacked several political opponents of the Government. For example, three men attacked Vladimir Kolas on May 31, just 3 days after his controversial replacement as head of a prominent school that teaches in the Belarusian language. Unknown assailants attacked academicians Yevgeni Babossov on July 11 and Radim Goretski on January 17; some considered these attacks to be attempts to intimidate the Belarusian intelligentsia. On September 24, an unidentified man attacked Oleg Volchek, leader of the Association for Legal Assistance to the Population, hit him in the face, and then disappeared. The assault took place just 2 weeks after a Minsk court shut down the Association. No arrests were made nor were charges filed in these cases by year's end. There were no developments in the 2002 assaults on opposition figures and Hindu believers, including those on Aleksei Korol, Tatyana Zhilevich, and Viktor Polevikov.

Dedovshchina--the practice of hazing new army recruits through beatings and other forms of physical and psychological abuse--reportedly continued. During 2002, the most recent date for which information is available, 15 criminal charges were brought against servicemen accused of beating their subordinates and disciplinary action was taken against 160 officials. The Government asserted that the overall crime rate in the armed forces had decreased by 35 percent, but no data on hazing incidents was available. The authorities blocked efforts by family members and human rights monitors to investigate these and other reports of Dedovshchina.

Prison conditions remained poor and were marked by severe overcrowding, shortages of food and medicine, and the spread of diseases such as tuberculosis, syphilis, and HIV/AIDS. On October 23, Interior Minister Naumov stated that the prison population exceeded its capacity by 21 percent. Credible reports indicated that prison guards regularly beat detainees and prisoners. According to Vladimir Kudinov, a member of the disbanded Parliament and vocal critic of the Lukashenko Government who spent 4 years in prison, torture was widespread in prisons. Several persons held in administrative detention complained about conditions and claimed that authorities ignored their complaints.

According to human rights monitors, conditions in prison hospitals were also poor. In prisons, the average amount of space provided for each inmate was 1.2 square yards. Interior Minister Vladimir Naumov stated that the prison population, 52,500, exceeded total capacity by 20 percent. In many cases, food provided in prisons did not meet minimum medical requirements or accommodate dietary restrictions. Unlike in previous years, the Belarusian Helsinki Committee reported that food was not denied to prisoners during the year. Valery Levonevsky, an opposition activist jailed for an unauthorized protest, stated that inmates were denied the opportunity to exercise and that food did not meet minimum sanitary standards. In December 2002, the Constitutional Court ruled that prisons must consider appeals against prison-imposed punishments; however, prisons refused to consider such appeals on the grounds that there were no laws outlining the procedures for handling such appeals.

Tatyana Yelovaya, an activist of the youth group Zubr serving a 10-day sentence for participation in an unauthorized protest, complained that guards ignored her requests for medical attention for several hours before calling for a doctor, who directed that she be taken to a hospital (see Section 2.b.).

According to prison policy, male and female prisoners were held separately. Juveniles were held separately from adults, and pretrial detainees normally were held separately from convicted prisoners; however, due to prison overcrowding, they occasionally were held together.

At times, authorities granted human rights monitors access to observe prison conditions; however, only family members and lawyers were permitted to visit individual prisoners during the year. On October 28, the Ministry of Interior denied the request of several international observers to visit a prison in Mozyr, Gomel Region.

#### d. Arbitrary Arrest, Detention, and Exile

The law places limits on arbitrary detention; however, security forces continued to arrest and detain citizens arbitrarily. Such detentions most often were connected with demonstrations, many of which the authorities had refused to authorize (see Section 2.b.). Politically motivated arrests continued, although most of those arrested were released within a few hours or days.

Under the law, the President has the right to subordinate all security bodies to his personal command. The Presidential Guard--created initially to protect senior officials--continued to act against the political enemies of Lukashenko with no legislative or judicial oversight. Impunity remained a serious problem. The authorities often did not investigate abuses by the security forces or hold the perpetrators accountable. Credible reports indicated that petty corruption among police was widespread.

Both the Criminal Procedure and Administrative Codes specify that police may detain a person for up to 3 hours without providing any explanation for the detention, and the authorities frequently used this provision to detain opposition members and demonstrators. According to the Criminal Code, police may detain a person suspected of a crime for 24 hours without a warrant, within which time the procurator is notified. The procurator then has 48 hours to review the legality of the detention. If the procurator finds that the detention is legal, a suspect may be held for a maximum of 10 days without a formal charge. However, once the decision is made to hold a suspect, formal charges generally are filed. Once a suspect is charged, a trial must be initiated within 2 months, although in some cases the procurator general may extend pretrial detention to 18 months for further investigation. Alternatively a suspect who has been charged may be released on a written pledge not to flee, in which case there is no time limit on pretrial investigation. The law gives detainees (rather than the procurator) the right to petition the court to determine the legality of their detention. In practice, the appeals of suspects seeking court review of their detentions were frequently suppressed because detention officials were unwilling to forward the appeals. No provision for bail exists under the legal code.

There was credible evidence that prosecutors charged and courts convicted individuals on false charges. A Minsk city court sentenced Viacheslav Sivchik to 15 days of administrative detention for participating in a banned protest despite photographic evidence and testimony showing that Sivchik was giving an interview at the time of the protest.

Despite legal protections, investigators routinely failed to inform detainees of their rights and conducted preliminary interrogations without giving detainees an opportunity to consult counsel. In some cases, the information gained in interrogations conducted without counsel was used against the defendant in court. Access by family members to those detained was at the discretion of the investigators and they frequently were not notified when a family member, even a juvenile, was detained.

There were several reports that individuals and members of organizations involved in publishing opposition media were arrested and detained (see Section 2.a.). Unidentified plainclothes officials working for the security services also regularly apprehended and detained individuals engaged in anti-government demonstrations and in the distribution of opposition materials. Security officials also held some detainees incommunicado following demonstrations. In addition to the hundreds of anti-government protesters, many of whom authorities held for several hours or days, authorities also held several prominent political detainees for prolonged periods of time in pretrial detention.

Lengthy pretrial detention was common, although statistics on the number of persons in pretrial detention and the average length of such detention were not available. Mikhail Leonov, director general of the MTZ tractor factory, remained in pretrial detention from January 2002 until December 23, when he was convicted on embezzlement charges. On June 12, Leonid Kalugin, former director of the Atlant refrigerator factory, was released after 6 months in administrative detention and over 12 months of restricted freedom under the provisions of the 2002 Amnesty Law. On August 22, Viktor Rakhmanko, former chief of Belarusian railroads and member of the upper house of parliament, was convicted of abuse of power and forgery; he was released as his sentence matched the 21 months he had spent in pretrial detention and under house arrest.

While the Constitution does not address forced exile and the authorities did not generally use forced exile, there were credible reports that the security services threatened opposition political activists and trade union leaders with criminal prosecution or physical harm if they did not cease their activities and depart the country.

#### e. Denial of Fair Public Trial

The 1994 Constitution provides for an independent judiciary; however, in practice the judiciary was not independent and was unable to act as a check on the executive branch and its agents. The 1996 Constitution further subordinated the judiciary to the executive branch by giving the President the power to appoint 6 of the 12 members of the Constitutional Court, including the chairman. The Council of the Republic, which itself is composed of individuals appointed by the President or those deferential to the President, appoints the remaining 6 members. The President appoints the chairmen of the Supreme Court and the Supreme Economic Court. The President also has the constitutional authority to appoint and dismiss all district and military judges. There were reports that some

judges attempted to influence defendants to alter their pleas (see Section 1.c.).

The criminal justice system has three tiers: District courts, regional courts, and the Supreme Court. The Constitutional Court was established to adjudicate serious constitutional issues; however, it was dependent on the executive branch. In practice, it did not challenge presidential initiatives, and had no means of enforcing its decisions.

Prosecutors, like the courts, are organized into offices at the district, regional, and republic levels. They ultimately were responsible to and serve at the pleasure of the Procurator General, who was appointed by the Council of the Republic. Prosecutors were not independent and did not have the authority to bring charges against the President or the Presidential Administration.

Both the 1994 and 1996 Constitutions provide for public trials, although there can be exceptions in cases established by law (for example, in cases of rape or on grounds of national security); however, the courts frequently held trials in judges' offices, which prevented some interested observers from monitoring certain trials. Judges adjudicated trials; juries determine innocence or guilt only in the case of capital offenses in which the defendant pleads not guilty and demands a jury trial. Since judges were dependent on the Ministry of Justice for sustaining court infrastructure and on local executive branch officials for providing their personal housing, there were widespread and credible reports that executive and local authorities dictated the outcome of trials to the courts.

Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf; however, in practice these rights were not always respected. The law provides for unlimited access to legal counsel for detainees and that the court appoint one for those who cannot afford a lawyer; however, at times these rights were not respected.

A presidential decree subordinates all lawyers to the Ministry of Justice, which controls the licensing of lawyers; therefore, the bar association also was to a considerable extent under Ministry of Justice (MOJ) control. According to international legal experts and human rights monitors, the decree seriously compromised the independence of lawyers from the authorities. Several lawyers claimed that they were told they would not receive licenses because of their activities in non-governmental organizations (NGOs) or political parties.

Article 62 of the Constitution provides for the right to freely choose legal representation; however, Presidential Decree number 13 prohibits members of NGOs from representing individuals other than members of their organizations in court. This decree was used on several occasions during the year to deny NGO members the right to defend individuals in court and was also used as a pretext to close certain NGOs (see Section 4). On April 28, a court in Mogilev refused to permit Barys Bukhel of the human rights NGO Vyasna to represent an individual in a civil trial, despite the fact that he was acting as a private citizen.

The Constitution establishes a presumption of innocence; however, in practice defendants frequently had to prove their innocence. According to 1998 statistics, the latest available, from the Belarusian Helsinki Committee, criminal charges were brought by prosecutors against 59,700 individuals. Of these, only 272, or fewer than 0.5 percent, were found to be not guilty. Both defendants and prosecutors have the right to appeal court decisions, and most criminal cases were appealed; however, appeals rarely resulted in reversals of verdicts. In an appeal, neither defendants nor witnesses appear before the court; the court merely reviews the protocol and other documents from the lower court's trial. Throughout the year, anti-government protestors arrested after demonstrations were subjected to assembly-line style trials, often without opportunity to exercise their right to counsel or the opportunity to present evidence or call witnesses (see Section 2.b.). On February 12, the Presidium of the Supreme Court and the board of the MOJ stated that in 2002 only 1.3 percent of verdicts by district courts were overturned and that only 17 persons were ruled to have been wrongfully convicted.

There were no reports of political prisoners; however, authorities continued to use administrative measures to detain political activists before, during, and after protests.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, these rights were not respected in practice. The interception of telephone and other communications without a court order is prohibited; however, in practice authorities continued to monitor residences, telephones, and computers. The KGB, MVD, and certain border guard detachments may use wiretaps, but under the law they must obtain a prosecutor's permission before installing them; however, the KGB entered homes, conducted unauthorized searches, and read mail without warrants.

The prosecutor's office exercised no independence from the Government, effectively rendering the due process protections regarding wiretaps meaningless. The Administrative Offenses Code provides penalties for those who obstruct KGB officers in the performance of their duties. Any effort to prevent KGB officers from entering the premises of a company, establishment, or organization is an administrative offense, as is any refusal by such entities to allow audits or to deny or restrict access to company information systems and databases. Contracts used by the Ministry of Communications for supplying telephone service prohibit subscribers from using telephone communications for purposes that run counter to state interests and public order. The Ministry has the authority to terminate telephone service to those who breach this provision; however, there were no reports during the year that the Ministry exercised this authority.

In most circumstances, night searches are prohibited; however, on the night of February 15, ten armed police officers searched the apartment of Valery Levonevsky after he returned from a meeting to plan a series of demonstrations. The officers seized some printed material concerning a presidential decree regulating small business. Mr. Levonevsky claimed the authorities refused to give him a copy of the search warrant.

Unknown intruders broke into the offices of several prominent opposition members and human rights NGO. Unknown intruders broke into the apartment of Vasily Golovatskikh, an opposition deputy in Novopolotsk. Papers were scattered and property was damaged but nothing was taken, according to Golovatskikh. Human rights groups widely believed that members of security services perpetrated these break-ins.

Nearly all opposition political figures reported that authorities monitored their activities and conversations; the Government did nothing to refute these reports. Representatives of certain NGOs also said that their conversations and correspondence were monitored routinely by the security services. The Procurator General declined to investigate charges of illegal wiretapping brought by members of the opposition.

The Presidential Guard or security service reportedly continued to conduct surveillance activities of the President's political opponents. There was no judicial or legislative oversight of the Presidential Guard's budget or activities, and the executive branch repeatedly thwarted attempts to exercise such oversight. Some officials were themselves monitored. Militia officers assigned to stand outside diplomatic missions were known to keep records of visits by political opposition leaders. On March 6, a panel of Minsk City Court judges threw out a complaint by United Civic Party leader Anatoly Lebedko over his 2002 detention; plainclothes officers who refused to identify themselves forcibly detained Lebedko near a foreign Embassy. The officers drove him to the KGB headquarters and issued him a formal warning that he would be charged with treason if he did not cease his contacts with foreigners. Some opposition figures expressed reluctance to visit foreign embassies due to fear of reprisals.

Harassment in the form of inspections by security officials and confiscation of political literature, often without warrants, was widespread. Targets included opposition candidates and their supporters. On September 30, customs officials searched the vehicle of Valery Frolov and Vladimir Parfenovich, members of the parliamentary opposition group Respublika, as it crossed the border from Lithuania. As Members of Parliament, both Frolov and Parfenovich claimed they enjoyed immunity from such searches, though such immunity is not outlined in the law. The director of the State Customs Committee stated that he ordered the search and claimed that at the state border there were no immune persons, and that he would search any vehicle he deemed necessary.

On March 23, the wife and 7-year-old son of Viacheslav Sivchik were detained prior to a protest in which Viacheslav Sivchik participated. This was considered a move to pressure Sivchik not to participate in the protest.

There were credible reports that the 2002 trials of Alexandr Chigir on charges of car theft and assisting in car hijacking were related to the political activity of his father, former Prime Minister Mikhail Chigir. Human rights observers widely believed that his 6-year sentence was disproportionate to the allegations of wrongdoing. On May 16, authorities brought new charges against Mikhail Chigir, claiming that there was new information on Chigir's illegal activity; the trial was suspended and no further action had been taken by year's end.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

Both the 1994 and 1996 Constitutions provide for freedom of speech as well as the freedom to receive, retain, and disseminate information; however, the Government restricted these rights in practice. Laws and decrees restrict freedom of expression by limiting citizens' use of symbols and words on posters and by overly broad interpretation of libel laws to restrict criticism of government officials and activities. During the year, the Government engaged in an apparently calculated campaign to restrict media freedom. The Government continued to make use of its

monopoly on television broadcasting to present biased news coverage and to minimize the presentation of opposing points of view. On September 9, President Lukashenko called upon mass media to be used as an instrument for promoting a pro-government state ideology (see Section 3).

The executive branch continued its suppression of freedom of speech. A presidential decree prohibits a range of broadly defined activities and limits freedom of expression. The decree prohibits individuals from carrying placards or flags bearing emblems that are not officially registered with the State, as well as emblems, symbols, and posters that intend to harm the State and public order or rights and legal interests of the citizens. The decree also prohibits activities that demean state authorities. This decree was used to prosecute and fine those carrying symbols emphasizing the country's independence, such as the pre-Lukashenko red and white flag. Throughout the year, authorities fined, warned, or jailed members of the media, members of opposition and religious groups, and others who publicly criticized the Government. The defamation law makes no distinction between private and public persons in lawsuits concerning defamation of character. A public figure who was criticized for poor performance in office by a media outlet may ask the prosecutor to sue both the journalist and media outlet that printed the criticism.

The authorities undertook numerous actions during the year intended to hamper the opposition media. These included the continued use of: Libel laws, limitations on foreign funding, pressure on businesses not to advertise with independent media, limitations on access to newsprint and printing presses, censorship, restrictions on the import of media-related materials, temporary suspension of independent and opposition periodicals, and detention of those distributing such material.

The newspapers and other print media with the largest circulation were state-owned, although there also were a number of independent publications, some of which were critical of the Government. Independent newspapers were available widely in Minsk, but outside of the capital, variety was limited to the state-run national newspaper and local newspapers, only some of which were independent.

All nationally available radio and television broadcasts originating in the country were government-owned, although some broadcasts from other countries, including Russia, Poland, and Lithuania, could be received in many parts of the country. The two state-run television networks ONT and Belarusian Television were the only ones to broadcast nationwide. Both regularly featured reporting that was biased heavily in favor of the Government, sharply critical of opposition politicians and organizations, and failed to provide an outlet for opposing viewpoints. In October, a third state-owned television station, LAD, was established that broadcast to over half of the country, using a channel formerly used by the popular Russian television network Kultura and other Russian state television channels. Local, independent television stations operated in some areas and reported local news relatively unhindered by the authorities; however, most of these stations reported that they were under pressure not to report on national level issues or were subject to censorship.

All foreign media correspondents are required to register with the Ministry of Foreign Affairs. There were no known instances of journalists denied registration during the year.

Unlike in 2002, there were no incidents in which the independent journalists were beaten. There was no indication that the authorities would investigate or prosecute those responsible for the beatings in 2002 of Oleg Suprunyuk, Yuri Grimenyuk, or Stanislav Pochobut.

On November 29, police detained eight opposition activists for distributing a questionnaire for a street poll about a possible referendum to enable President Lukashenko to run for a third presidential term. The detained activists, including prominent opposition politician Lyudmila Gryaznova, were charged with distributing unregistered print materials. Gryaznova was later fined \$12 (25,000 rubles). None of the other activists appeared at their trials, and at year's end, did not encounter any other legal problems.

In September, the Government released the text of a draft media law that would require media outlets, including Internet outlets, to reregister with the Government, refute any information considered false and libelous, and stipulate that journalists may be stripped of their accreditation should they publish such information. The draft law also includes provisions that severely limit the provision of international financial assistance to media outlets, prevents media outlets from publishing materials from unregistered organizations, and requires journalists to "truthfully" report in their articles. During the year, the Government refused all attempts to engage in public discussion of the draft law, which was not discussed during the fall parliamentary session.

On January 9, Minsk authorities fined Oksana Novikova approximately \$6 (12,000 rubles) for criticizing President Lukashenko and the Government after she published an open letter calling for the President's resignation. In April, Novikova received a 2-year suspended sentence for distributing leaflets critical of Lukashenko at a metro station. In

August, Novikova was fined approximately \$1,333 (2.8 million rubles) for illegally protesting in front of the Presidential Administration. On September 8, Novikova was fined \$2,000 (4.2 million rubles) for displaying a sign in support of the Association for Legal Assistance to the Population during its liquidation trial; Novikova appealed the fine and on October 6, a Minsk court dismissed the charge. By year's end, Novikova faced additional charges after holding similar demonstrations on November 24 and December 11.

The Government's use of presidential decrees was another obstacle for independent press. A presidential decree "On Improving the System of Receipt and Use of Humanitarian Assistance," allegedly aimed at stopping foreign-supported seditious activity, specifically prohibits foreign-supported activities directed at alteration of the constitutional order, overthrow of state power, or encouragement of such activities; preparation, administration, and organization of elections, referenda, organization of meetings, rallies, demonstrations, pickets, strikes, publication, and distribution of promotional materials, organization of seminars, and other types of promotional activities involving the population. The decree was the basis for a nationwide crackdown during the electoral campaign on independent media outlets and independent NGOs, many, if not most, of which were supported by the international community.

The Government utilized tax inspections, safety inspections, and confiscation of printed matter and equipment to immobilize much of the pro-democratic opposition throughout the campaign, thus severely restricting freedoms of speech and expression (see Section 1.f.).

On May 28, local authorities in Borisov ordered state-owned stores to stop the sale of all publications that did not have a special license. Independent newspapers complained that the process of obtaining such licenses, which require the approval of 20 local agencies, was difficult and expensive.

Authorities continued to pressure independent newspapers. The law specifies that the Government may close down a publication after two warnings. Regulatory provisions grant authorities power to ban and censor critical reporting; for example, the State Committee on the Press was given authority to suspend the publication of periodicals or newspapers for 3 months without a court ruling. Amendments to the law prohibit the media from disseminating information on behalf of political parties, trade unions, and NGOs that are not registered with the MOJ.

On May 28, the Ministry of Information suspended the popular independent newspaper *Belaruskaya Delovaya Gazeta* (BDG) after giving the newspaper two warnings for articles critical of the Government. The articles reported on the use of President Lukashenko's personal airplane by a Russian model who had visited Lukashenko and provided information about the trials of Mikhail Leonov, former director of the Minsk Tractor Factory, and Viktor Kazeko, former President of the Belarusian State Food Industry Concern. The Government allowed BDG to resume publishing and distribution activities in August; however, BDG was unable to find a printing press in the country willing to print the newspaper and was forced to use a printing press in Russia.

Following BDG's suspension, the Government undertook what appeared to be a systematic campaign to punish any entity that printed or published BDG articles through suspensions, fines, personnel dismissals, and deprivation of access to printing presses. Actions included the June 4 suspensions of the independent trade union paper, *Solidarnasts*, the independent newspaper *Navinki*, and the newspaper *Echo*, all of which had provided space for BDG's articles. Vladimir Telesh, the director of the printing press that printed *Solidarnasts*, *Navinki*, and *Ekho* was fired from his position for his "failure to meet the provisions of the contract in accordance with the existing law." On June 19, the Ministry of Information suspended *Predprinimatelskaya Gazeta* for 3 months after the newspaper published a June 8 article regarding Telesh's dismissal. On July 22, a state-run printing house in Slonim refused to continue printing the independent newspaper *Mestnaya Gazeta Shag* after it began printing BDG's articles in its paper. After their suspensions ended, none of these newspapers were able to secure contracts with local printing presses.

On September 23, the Minsk Regional Economic Court upheld a 2002 decision by the Minsk Oblast Executive Committee to liquidate *Mestnoye Vremya Press Ltd*, the owner of the independent newspaper *Mestnoye Vremya*, allegedly for failing to provide notification of the company's change of address and charter. The decision was made despite the fact that in April, the Minsk City Economic Court had overruled the 2002 decision and ordered the restoration of the company's registration.

In February, the Grodno Regional Economic Court ruled that the publisher of the independent newspaper *Novaya Gazeta Smorgoni*, Romulad Ulan, had violated tax, safety, and labor regulations following a 2002 inspection by the State Control Committee (SCC) of the newspaper. Ulan was stripped of his status as an individual entrepreneur. On April 26, a court in Smorgon fined Nikolai Slizh, a farmer who began to publish the newspaper from his farm,



approximately \$120 (240,000 rubles) for illegally printing the newspaper, and ordered the seizure of all profits generated through the sales of the newspaper. Following the court's ruling, the Lida branch of the Belarusian Language Society published the newspaper until July, when Ulan's wife took over as publisher of the newspaper. On October 2, the Ministry of Information suspended publication of the newspaper for up to 3 months alleging that Ulan's wife had no right to engage in publishing activities, despite existing legislation that allows individuals and legal entities to publish newspapers. The decision was made despite the fact that Ulan's wife also had successfully defeated attempts by local authorities to deny her registration as an individual entrepreneur, which granted her the right to engage in newspaper publication. In November, Ulan's wife filed a lawsuit in the Grodno regional economic court against the local authorities' decision against her. The case was then transferred to the Supreme Economic Court.

In November, Ulan began publishing Novaya Gazeta Smorgoni under another name, Mestnaya Gazeta. On December 24, police detained a minibus carrying 5,700 issues of the independent newspaper Mestnaya Gazeta. Romulad Ulan and the driver were forced to go to the police station but were released 2 hours later when police were unable to find any legal violations. On December 26, police sealed the newspaper's offices after fire safety officials determined that the fire safety code violations found on December 23 had not been rectified. However, fire safety officials in Grodno later determined that the local fire safety officials had exceeded their authority and the offices were unsealed on December 29.

On July 28, the Ministry of Information annulled the registration of the independent newspaper Den, because the newspaper had not published within 1 year of its last issue. On August 26, the Ministry of Information revoked its annulment after it became aware that the newspaper had published an issue of the paper within the past year. Despite being allowed to resume publication, Den was unable to secure an agreement with printing presses to publish the newspaper.

On November 27, the Presidential Administration successfully insisted that as a condition of President Lukashenko's appearance on a televised live debate on a Russian television show called Freedom of Speech, the station remove 21 representatives of independent media and civil society from the list of intended participants.

On December 16, two opposition activists were each fined \$80 (165,000 rubles) for distributing copies of a newspaper called Supratsiw (Against) that did not contain information about the publisher.

On December 27, BSTRC granted the state-owned news agency BelTa the exclusive right to distribute weekly television listings through media outlets starting January 1, 2004. The decision, made by the Presidential Administration, raised fears among independent newspapers that they will be denied access to these listings and may face a decline in readership of their newspapers.

The independent press is prohibited by presidential decree from using the country's name in its titles. The decree on "the Use by Legal Entities of the Name of the Republic" allows only legal entities specially authorized by the President to use the name of the country in their titles. Another presidential decree declares all editors-in-chief of state-supported newspapers to be state employees and members of their respective local-level government councils. Another decree grants the Ministry of Press the authority to assign graduates of state-supported journalism schools to work in state-owned media organizations as a way to repay their schooling.

Beginning on June 7, all radio stations were required to forward copies of the news stories and play lists they had broadcast to the Ministry of Information.

On January 2, the SCC seized audio and video recording equipment from the office of the Belarusian Union of Filmmakers that was donated by a Russian company on the grounds that the organization improperly prepared documents proving ownership and customs clearance of the equipment. After the Government issued a decree in 2002 transferring responsibility for registering electronic media from the Ministry of Communications to the Ministry of Information, all electronic media outlets were required to reregister with the Ministry of Information. According to the Belarusian Association of Journalists, the authorities did not reject any reregistration applications from electronic media outlets.

The law allows for punishment of public insults or libel against the President by up to 4 years in prison, 2 years of khimya (detention in internal exile), or by a large fine. The authorities also continued to make use of the articles in the Criminal Code that prohibit slandering and insulting the President or officials to stifle press freedom. The Criminal Code provides for a maximum penalty of 5 years' imprisonment for such offenses. According to the Belarusian Association of Journalists (BAJ) President Zhana Litvina, the laws penalizing slander of officials effectively imposed a ban on press criticism of the Government. On September 2, the Constitutional Court, in

response to a BAJ petition in July, asked the National Assembly for clarification of these articles, and suggested adding a clause decriminalizing criticism of officials if it does not defame or dishonor them, or use offensive language. However, the National Assembly took no action by year's end.

In March, Nikolai Markevich, editor in chief of the opposition newspaper Pahonia, and Pahonia journalist Pavel Mozheiko were released from their respective detention facilities in Osipovichy and Zhlobin. They were sentenced to 2.5 and 2 years of khimya respectively for printing libelous information about President Lukashenko. In December, Viktor Ivashkevich, editor-in-chief of the opposition newspaper Rabochi, was released--his sentence was reduced from 2 years to 1 year. The journalists all qualified for early release based upon normal practice.

On February 24, the Ministry of Information ordered the opposition newspaper Vcherny Stolin to suspend its printing activities for 3 months for alleged "flagrant violations" of the law, inciting social intolerance, and publishing classified material about a police investigation into corruption in the local government without permission. The Ministry also cited the newspaper's failure to properly report that the newspaper was switching the focus of its reporting from economic issues to political issues. On March 8, following Vcherny Stolin's suspension, Alexander Ignatyuk, editor-in-chief of Vcherny Stolin, launched another newspaper, Provintsialka, which continued to provide critical reporting of local officials. A local official successfully sued the newspaper over a report accusing the official of accepting a bribe and was awarded approximately \$990 (2 million rubles). On April 18, the Ministry of Information suspended Provintsialka for 3 months on the grounds that Provintsialka exceeded its advertising limit. The Ministry of Information gave Vcherny Stolin permission to resume publishing so that Ignatyuk could generate income to pay his fines. Publication was resumed in April. On December 26, Ignatyuk was fined approximately \$8 (17,500 rubles) after an article in Vcherny Stolin compared a local official to a gangster.

In addition to the March 8 fine, local officials who were accused of corruption and abuse of power sued Ignatyuk on three other occasions during the year. Local courts convicted Ignatyuk for libeling these officials, and levied fines of over \$2,500 (5 million rubles) against him.

On November 17, a Minsk City Appeals Court panel levied heavy libel fines against the country's largest daily independent newspaper Narodnaya Volya and two journalists for an article written 2 years ago. The appellate court increased the amount of damages three to five times over what a lower court previously levied against the newspaper and the journalists. It made this decision in spite of the regional prosecutor's legal opinion that the fine far exceeded the damages suffered by the complainant. The article alleged that Yegor Rybakov, head of the Belarusian State Television and Radio Company (BSTRC), was responsible for the company's decline and suggested that Rybakov was partly responsible for the death of a BSTRC employee.

In 2002, the Prosecutor General's Office initiated libel proceedings against BDG journalist Irina Khalip. In response to Khalip's articles about official investigations into the alleged corrupt business practices of Viktor Kozeko, the former head of a large state-owned food concern, Belgospisheprom, and his son. The Prosecutor's Office also issued a warning to Delaya Sluzhebnoy Polzovaniya, a monthly supplement featured in BDG. At year's end, no further developments had occurred.

On June 28, the Ministry of Interior expelled Pavel Selin, a journalist with the Russian television station NTV and banned him from returning to the country for 5 years. The expulsion order came following Selin's reporting on the June 25 funeral of the prominent Belarusian writer Vasili Bykov. Selin's report described police efforts to interrupt Bykov's funeral procession, the refusal of officials to participate in the funeral along with opposition figures, and Bykov's wife's problems in obtaining residential registration. On July 8, the Government announced the closure of NTV's Minsk office until NTV issued a formal apology for Selin's report. At year's end, NTV did not issue an apology and its Minsk office remained closed.

Prior to the March 2 local elections, on February 6, one radio station in Vitebsk denied a local opposition candidate the opportunity to address radio listeners on a radio program, although three other candidates were able to do so.

According to the BAJ, independent newspapers in the provinces engaged in self-censorship.

During a March visit to Orsha, Culture Minister Leonid Guliaka ordered the removal of several opposition and independent newspapers including Narodnaya Volya and BDG from a local library because "damaging opposition press has no business in a cultural center."

A Council of Ministers decree specifically prohibits the import and export of printed, audio, and video materials, or other news media containing information "that could damage the economic and political interests of the country." On June 11 and June 18, authorities seized shipments of the independent newspaper Predprinimatelskaya

Gazeta, which printed articles from BDG.

On July 6, officials from the Ministry of Culture and the Minsk City Executive Committee ordered the removal of a painting by Alexei Marochkin at an art exhibit marking the 750th anniversary of the coronation of Grand Duke Minduah, the founder of the Grand Duchy of Lithuania. The painting depicted a critical comparison between Lukashenko and Duke Minduah.

Although there were several Internet service providers in the country, they were all state controlled. The Government's monopoly on Internet service resulted in high prices, poor quality, limited service, and allowed the Government to monitor practically all e-mail. Unlike in previous years, there were no confirmed instances of authorities selectively cutting off Internet access. In June, hackers attacked a website that posted a copy of a book critical of President Lukashenko.

In addition to restrictions placed on the media, the Government continued to restrict academic freedom. University administrators targeted and strongly discouraged research into politically sensitive subjects, such as the country's independence movement during the Soviet era, a theme that is seen to challenge the Government's policy of integration with Russia (see Section 1.c.). All independent, non-state, academic institutions are required to obtain special permission from the authorities to hold educational seminars or lectures. There were also credible reports that independent universities engaged in self-censorship.

According to President Lukashenko, educational institutions are to serve as the centers of promoting the new state ideology, with teachers to become "active propagandists." During his March 27 speech on establishing a state ideology, he called for the removal of all teachers who refuse to support government policies: "If you do not accept the ideas declared by the Government and the President, do not apply to a state university for a job." He declared it to be intolerable "that officials or professors at educational institutions do not share the state ideology and sometimes even openly oppose the government and the course that they are supposed to promote, once integrated in this system of government."

On May 15, then Education Minister Pytor Brigadin instructed university rectors to give priority to promoting a new state ideology within educational institutions, adding that school curricula and research should conform to the principles of the ideology.

The Government also continued to harass students engaged in anti-government activities, such as demonstrations (see Section 2.b.). The unregistered Belarusian Association of Students (ABS) reported that with the introduction of the new state ideology campaign in schools, students were pressured to join the Belarusian Republican Youth Movement (BRYM). In at least one instance, the university's administration warned students at Belarusian State Technology University that they would be deprived of their benefits and stipends if they did not join the BRYM.

During the year, government efforts to close educational institutions that promoted Belarusian and Jewish studies led many in these respective groups to believe that the Government sought to prevent teaching in the Belarusian language and the teaching of Judaica (see Sections 2.c. and 5).

#### b. Freedom of Peaceful Assembly and Association

The 1994 and 1996 Constitutions both provide for freedom of peaceful assembly; however, the Government severely restricted this right in practice. Following many unsanctioned demonstrations, police and other security officials beat, detained, and attempted to coerce confessions from some demonstrators.

Organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. Under the law, the local government must respond with a decision no later than 5 days prior to the scheduled event. However, such permits were not routinely issued during the year. Beginning with the September 2001 elections, most permits either have not been granted or have been granted only for demonstrations in obscure, hard-to-reach locations.

On August 29, a law on demonstrations took effect that further restricts citizens' ability to assemble peacefully, and allows the Government to close any organization after a single violation of the law. These violations include: Failure of organizers to maintain law and order during a demonstration, demonstrations that result in damages of approximately \$67,000 (140.7 million rubles), and demonstrations that violate the rights and interests of the general public or the interests of the state. The new law was intended to codify a 2001 Presidential decree that banned demonstrations by unregistered organizations, limited participation to under 1,000 persons, and prohibited the wearing of masks and use of unregistered flags, symbols, and placards bearing messages deemed threatening to

the state or public order (see Section 2.a.).

According to members of opposition parties, authorities frequently denied permission to opposition groups to meet in public buildings. Nevertheless, public demonstrations occurred frequently in Minsk, varying in size from a few participants to several thousand. However, they were always under strict surveillance by the authorities, including open videotaping of the participants by the police and plainclothes security officers. Demonstrations also occurred in other parts of the country although less frequently, particularly in eastern areas close to the border with Russia.

On February 14, police broke up an opposition march that was attended by 50 persons and organized by the unregistered youth movement Malady Front. On February 17, five members of Malady Front, including Malady Front leader Pavel Severinets, were sentenced to 5 to 15 days' imprisonment.

Following the March 12 "People's March for a Better Life" demonstration, authorities arrested and convicted several of its organizers. Dmitry Bondarenko, Andrei Sannikov, Ludmilla Gryaznova, Leonid Malakhov, Yuri Khadyko, and Valery Levonevsky, leader of the Market Vendors' Strike Committee, were sentenced to 15 days' imprisonment for their involvement in the demonstration.

During a March 23 demonstration marking the anniversary of the foundation of the Belarusian National Republic, police arrested approximately 50 persons including Belarusian Popular Front leaders Vintsuk Vyachorka and BPF activist Vladimir Kishkurnko, as well as members of other opposition parties. Many were released after a few hours, but 23 were convicted of participating in an unauthorized rally, and 10 of those convicted, including Vyachorka, Kishkurnko, and Vyacheslav Sivchiuk, were sentenced to up to 15 days' imprisonment; 6 participants were heavily fined; and 7 received warnings. Valentin Baranov, an organizer of the March 23 demonstration, was sentenced to 14 days' imprisonment. Baranov had received a 14-day sentence on March 24, and again on April 25, for his involvement in the March 23 demonstration. After the trial, Baranov, complaining of ill health, was hospitalized and his sentence was cancelled. However, his case was subsequently returned to court, which reintroduced the charges against him.

On April 3, police detained approximately 15 members of the unregistered youth movement Zubr after they held an unsanctioned demonstration outside of a foreign embassy in Minsk in support of Operation Iraqi Freedom. One participant was sentenced to 10-days' imprisonment, while two received warnings. A fourth person, Tatyana Yelovaya, went into hiding and was sentenced in absentia to 10 days imprisonment. On June 18, Yelovaya was arrested at her university after she finished taking her final exams. On June 20, Yelovaya was rushed to a hospital and underwent medical treatment after developing an infection while in detention. After receiving treatment, Yelovaya was released from the hospital and went into hiding. At year's end, Yelovaya remained in hiding.

On October 1, Anatoly Shumchenko, leader of the Perspektiva business association, was arrested and sentenced to 5 days imprisonment for his involvement in organizing a September 3 demonstration in front of a Minsk district administration building to protest the city authority's pressure on kiosk owners.

On October 29, a Minsk court fined eight members of the human rights NGO Vyasna, including head Ales Beliatki, between approximately \$40 and \$80 (82,500 rubles and 165,000 rubles) after they held an impromptu protest in a Minsk court regarding the court's closure of Vyasna the day before (see Section 4).

On October 30, Alexander Bukhvostov, leader of the Belarusian Union of Automobile and Agricultural Implement Workers, was sentenced to 10 days' imprisonment for attempting to demonstrate against increased government violations of workers rights in downtown Minsk (see Section 6.a.).

On November 17, two members of the Conservative Christian Party were fined approximately \$2,299 (2.5 million rubles) for staging a November 2 march through downtown Vitebsk to mark Dzady, a holiday of remembrance.

On November 10, Artur Finkevich, a member of the unregistered youth organization Malady Front, was detained for distributing leaflets promoting a November 24 demonstration that ostensibly lacked required publication information. After being released on November 11, Finkevich was again arrested on November 12 for distributing similar leaflets and was sentenced to 15 days' imprisonment. Three other youths, who were detained with Finkevich for distributing leaflets, were fined \$8 (16,500 rubles). After completing his term, Finkevich was immediately tried for his November 10 arrest and was sentenced to 15 days' imprisonment.

On November 24, 17 persons were arrested in downtown Minsk for participating in an unauthorized demonstrating against possible plans to hold a referendum to allow President Lukashenko to run for president a third time. Two of those arrested were sentenced to 15 days imprisonment and another demonstrator was sentenced to 5 days

imprisonment. Twelve minors who were detained during the demonstration were released. Most of those released ignored subpoenas to appear before court.

On December 2, Gomel oblast authorities prohibited the Belarusian Party of Communists from staging demonstrations throughout the oblast to protest a sharp rise in utility rates in the oblast.

On December 20, approximately 20 members of the unregistered youth organization Zubr held an unsanctioned outdoor vigil to mark the death of Andrei Zaitsev, a former member of Zubr, who committed suicide in 2002 after alleging that the KGB attempted to recruit him. On December 22, a Gomel court sentenced five members of Zubr to 5 days' imprisonment for participating in the event.

Unlike in previous years, there were no reports that police beating demonstrators during protests. However, there were reports that police violently pulled demonstrators to police vans as they were detaining demonstrators.

The Constitution provides for freedom of association; however, authorities severely restricted this right in practice. During the pre-election period in 2001, the authorities regularly harassed members and supporters of opposition parties and confiscated leaflets and publications (see Section 3). Authorities also continued to attempt to impose severe limitations on the activities of NGOs (see Section 4).

During the year, the unregistered Association of Belarusian Students reported that members of the organization, like other students, were pressured to join the government organized Belarusian Republican Youth Movement.

Employees at state-run enterprises were discouraged from joining independent trade unions (see Section 6.a.) and officials warned alumni of foreign-sponsored education programs against continued affiliation with their programs' sponsoring agencies.

According to the law, NGOs, political parties, and trade unions are required to register with authorities and it is illegal to work with an unregistered NGO. Presidential decree 24, issued on November 28, stipulates that international assistance can be granted to, or accepted by, an organization that is registered with the Ministry of Economy. Interim activities that had previously been legal while registration was pending are now prohibited. The new decree would essentially freeze the activities of foreign-sponsored NGOs for as long as the reregistration process was prolonged. Decree 24 also specifies that any local body that receives "illegal" foreign aid, including from an unregistered NGO, be closed after just one violation.

Private organizations are prohibited by regulation from using private residences as their legal addresses. In light of government control or ownership of many office buildings, the regulations had the effect of complicating the reregistration process by making nonresidential addresses difficult to establish.

After the reregistration process had begun, the authorities announced that in addition to registering, organizations would have to alter their charters to indicate recognition of the 1996 Constitution and to exclude the words "popular" or "national" from their titles. In 1999, an amendment to the Law on Public Associations codified this announcement by prohibiting political and social organizations from using the words "Belarus," "Republic of Belarus," "national," or "popular" in their titles. Although most of the major political parties and unions that applied were allowed to reregister, the Assembly of Belarusian Pro-democratic NGOs reported that only 1,268, or 57 percent, of the NGOs in existence when the reregistration law went into effect, were reregistered by the summer of 2000. The MOJ rejected a total of 202 NGOs for reregistration on various grounds, and 31 were in the process of reregistering at year's end.

According to statistics from the MOJ, during the year 913 regional branches of trade unions, 867 regional branches of social associations, and 115 regional branches of political parties were registered. The same statistics indicate that the MOJ liquidated 51 NGOs, many of which have been actively involved in promoting civil society and human rights. According to one human rights NGO, most of the organizations that were registered during the year dealt with sports and entrepreneurial interests and none of the registered organizations promoted civil society.

During the year, the MOJ challenged the registration of several opposition parties and NGOs over their legal addresses. These organizations were unable to obtain space in office buildings since many locations were either owned by the Government or were too expensive. Instead, they must operate out of private apartments that the Government did not consider legal addresses.

On December 24, the Supreme Court upheld an MOJ decision to deny registration to the Assembly of Democratic Non-Governmental Organizations. The Assembly, the country's largest NGO umbrella organization, complained

that it had applied for registration in April 2002, but the MOJ decided the matter only on October 14 (the law requires that the MOJ render a decision in 1 month). The MOJ argued that the organization had provided an incorrect address in its founding documents and that several of its constituent associations were dissolved while the MOJ was considering the application. Ales Belyatsky, one of the organization's founders, said that the organization would continue functioning without registration, as it has been doing for the past 5 years.

On October 16, Justice Minister Viktor Golovanov said that recent closures of NGOs were part of his agency's "purposeful work" to enforce the law on the third sector. He denied that the NGOs were closed by the order from a higher authority. Golovanov said that the MOJ's "purposeful work" was also targeted at courts, notary publics, and political parties.

On October 28, the Vyasna Human Rights Center was liquidated after the MOJ accused the organization of forging signatures of its members as it was reregistering. In addition, Vyasna was charged with failure to collect dues from Vyasna members, and representing non-Vyasna members in court. Although Vyasna successfully refuted the Ministry of Justice's charges, the court nevertheless liquidated Vyasna based upon a warning Vyasna received during its observation of the 2001 presidential elections.

On October 21, the Ministry of Justice refused to register the Belarusian Democratic Party, founded by Valentina Polevikova, former Chairwoman of the Belarusian Women's Party, ostensibly on the grounds that the party would not be able to fulfill its party program of securing the interests of families and women. The Ministry of Justice noted that the presence of 237 men among the 1,070 members of the party prevented the party from being able to achieve its goals.

On October 23, the Lower House of Parliament announced that the parliamentary faction Respublika faction was formally liquidated. The faction, which was pro-democratic, had only 6 members rather than the required 10. They vowed to continue their activities despite the ban and death threats members have received.

On November 11, the Supreme Court liquidated the Association of Young Entrepreneurs for irregularities during its registration process in 1999. The NGO focused on education activities, published a bulletin, and provided legal counsel to young persons involved in small businesses.

On December 9, the Supreme Court upheld the MOJ's decision to deny the registration request of the Young Social Democrats. The organization filed its application on July 29. The MOJ replied on November 17, more than 3 months after the deadline stipulated by law, that the Young Social Democrats were denied registration because one of the purposes stated in their charter was to promote political, cultural, and universally recognized human values among youth. According to the Young Social Democrats, the MOJ objected to the reference to promoting political culture.

### c. Freedom of Religion

The 1994 and 1996 Constitutions provide for freedom of religion; however, the Government restricted this right in practice. Although both Constitutions affirm the equality of religions and denominations before the law, the 1996 Constitution stipulates that cooperation between the state and religious organizations "is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people."

On June 12, the Prime Minister and Metropolitan Filaret signed a Concordat between the Government and the Belarusian Orthodox Church (BOC), which is subordinate to the Moscow Patriarch. The Concordat provides the BOC autonomy in its internal affairs and the ability to fulfill all religious rights, as well as the right to consider itself in a special relationship with the State. It recognizes the BOC's "influence on the formulation of spiritual, cultural, and national traditions of the Belarusian people." The Concordat calls for the Government and the BOC to cooperate in implementing policy in various fields, including education, development and protection of cultural legacies, and security. Although it states that the agreement will not limit the religious freedoms of other faiths, the Concordat calls for the Government and the BOC to combat unnamed "pseudo-religious structures that present a danger to individuals and society."

In 2002, the Parliament approved a new law on religion, despite protests from international and domestic human rights organizations, non-Orthodox faiths, as well as Orthodox religious groups not affiliated with the BOC. The law contains a number of very restrictive elements, which observers feared would be used to hinder and to prevent the activities of religious groups other than the BOC. Under the law, all religious organizations must undergo compulsory reregistration by November 2004, with specific requirements for membership size and years of activity for religious groups. Government officials stated publicly that no organization that was registered when the law was

enacted would lose its registration status even if it failed to meet the new criteria, but the leaders of some minority religious groups were skeptical of this assurance. In addition, the law restricts the ability of registered religious organizations to conduct religious education, requires all religious groups to receive governmental approval to distribute literature, and prevents foreigners from leading religious organizations. The law effectively prohibits all religious activity by unregistered religious groups.

The Government increased its harassment of religious groups based not only upon the religion law, but also on directives that provide additional rules and requirements for religious groups that are not outlined in the law. According to the Committee of Religious and Nationalities Affairs of the Council of Ministers (CRNA), which regulates all religious matters in the country, 26 religious denominations were officially registered at year's end; however, authorities continued to refuse legal registration at the national level to faiths considered to be nontraditional. Religious groups that could not register often were forced to meet illegally or in the homes of individual members.

In May and June, police broke up three prayer gatherings of the unregistered Hindu religious group "Light of Kaylasa" that were taking place in private apartments. In one incident, police forced the group's members to lie on the floor as they conducted a search of the apartment, which resulted in heavy damage.

On January 30, the CRNA issued a document containing methodological recommendations on registering and reregistering religious groups. The recommendations required religious groups to fulfill additional requirements and submit additional information about their groups. Although the CRNA, claimed that these recommendations, which had not been approved by the MOJ, were an internal document, local officials have used them to deny registration to a Church of Scientology religious community in Minsk.

In addition to the religion law, the Government used several other legislative acts to levy additional requirements on religious groups. In 2002, the CRNA issued an instruction to oblast authorities requiring them to assess public opinion before the construction or reconfiguration of religious buildings for religious purposes. According to the CRNA, authorities may deny permission for such work if it is opposed by the local population, although this requirement is not established in the law.

Although the Greek Catholic Church is officially registered, it experienced problems with the Government because of historical tensions between the BOC and the Greek Catholic Church's emphasis on the use of the Belarusian language.

On April 18, an article in the state-run newspaper Respublika alleged that a student at a Mogilev school had fallen under the dangerous influence of a Scientologist instructor at school, and that he was returned from his zombie state after 1-year of psychiatric treatment.

During the year, the government-run newspaper Narodnaya Gazeta continued to publish articles hostile towards Pentecostals in connection with the 2000 death of Igor Orlovsky, a Union of Evangelical Faith Christian deacon in the town of Starie Dorogi. The articles, which appeared in four issues, continued to allege that the pastor was sacrificed by Evangelical Christians.

On April 1, the Minsk City Court upheld a prior district court ruling that Yevgeny Novikov, the host of a television program on which these accusations had been propagated, had defamed Evangelical Christians and ordered Novikov to air an open apology. Novikov's apology was aired during the June 21 television program "Pa Sutnasti." Instead of offering an apology to Evangelical Christians, Novikov's presentation was filled with numerous anti-Protestant remarks, which included his apology to members of "the sects." The program was aired on the state-owned Belarusian Television Channel. The CRNA claimed that Belarusian Television refused its request to examine the program and advised Protestant groups to take action to pursue their cases in court. The CRNA further claimed that on June 23, Novikov appeared on television and issued a second apology, for comments made during his June 21 program; however, Protestant groups have stated that no such apology was aired.

Despite an October 8 statement by President Lukashenko that the Government should not inhibit activities of the Jewish community, officials continued to take a number of actions indicating a lack of sensitivity toward the Jewish community. Throughout the year, the Government authorized construction and reburial activity in former Jewish cemeteries in Grodno and Mogilev, which upset local and international Jewish organizations. Since January, renovation work has been conducted at a sports stadium in Grodno that was originally built on a former Jewish cemetery. During the course of excavating the earth, workers at the site found human remains, which were removed from the site to be collected for future reburial. Photographs taken by the Jewish community showed human remains, not only mixed in earth filling dump trucks, but also mixed with earth from the site used to

resurface a road. In August, the Governor of Grodno signed an agreement with a national Jewish organization that allowed for the continuation of construction work at the site, so long as such work did not damage underlying soil. Despite signing the agreement, construction work that could be construed as damaging the underlying soil continued. International and other national Jewish groups refused to recognize the agreement, claiming that it allows the Government to continue to desecrate the cemetery. In November, the Governor of Grodno Oblast signed a second agreement with another Jewish leader to excavate human remains that were mixed with earth and paved over at a nearby road.

In June, after intense pressure by the local Jewish community, which appealed to President Lukashenko to intervene, local authorities in Mogilev banned all non-Jewish burials in the city's Jewish cemetery.

Government officials continued to make anti-Semitic comments in the media. For example, in a September 13 Associated Press article about the Grodno cemetery and an unsubstantiated claim that local authorities in Mozyr had desecrated a Jewish cemetery and site of a yet to be confirmed self-immolation of local Jews during World War II, Sergei Kostyan, Deputy Chairman of the International Affairs Committee of the lower house of parliament, rejected criticism for the work being conducted near a former Jewish cemetery. Kostyan accused Jews of sowing "ethnic discord," adding "Must we [citizens of Mozyr] leave the city without gas because of Jews? I am not an anti-Semite, but Belarusians suffered no less than the Jews. And now everybody is trying to say that it was Jews that won the war." During an October press conference, Information Minister Vladimir Rusakevich made derogatory public remarks about Jews.

During a November 2002 interview with the newspaper Belorusskaya Gazeta, Sergei Kostyan said he opposed attempts to "turn Belarus into a springboard for Zionism." He added, "If a mosque or a synagogue stands in the way of the city development plan, I believe it is acceptable to bulldoze it."

According to the Government, the law permits residential property to be used for religious services only after it has been converted from residential use. This ruling effectively requires all religious organizations to reregister their properties as religious properties. Government figures from 2002 showed that 110 religious communities, including 34 Protestant denominations, registered their property through this process; however, authorities continued to deny permission to many Protestant churches, as well as other nontraditional faiths.

The Government issued a decree specifying measures to ensure public order and safety during public gatherings, and meeting hall officials cited this decree as a basis for canceling or refusing to extend agreements with religious groups for the use of their facilities. According to the Full Gospel Evangelical Christian Church, Minsk authorities rejected several applications from the Church during the year to rent space at a local meeting hall.

Many Protestant and nontraditional religious groups experienced problems obtaining property. There were anecdotal reports that local authorities denied land to Roman Catholic communities to construct churches in Brest Oblast. However, in April, the Minsk City Council lowered the land tax for religious groups and subsequently implemented the decision to the satisfaction of the Muslim Religious Association that was trying to construct a mosque in Minsk but had been prevented from doing so due to the high tax on land.

In 2002, despite an appeal by the Belarusian Autocephalous Orthodox Church (BAOC), local authorities in the town of Pogranichny demolished the church of the BAOB that they claimed was built illegally, since the building permit specified a private house. Local courts continued to refuse to hear appeals made by the BAOB to overturn the Government's decision not to register their churches.

Citizens were not prohibited from proselytizing; however, while individuals may speak freely about their religious beliefs, the authorities have intervened to prevent, interfere with, or punish individuals who proselytize on behalf of an unregistered religion. During the year, the Government heavily fined and detained members of unregistered religious groups that engaged in illegal religious activity. Police regularly detained, fined, and jailed numerous Hare Krishnas for illegally distributing religious literature. Baptists, Pentecostals, and other Protestants were fined for illegally conducting and hosting religious services. According to the CRNA, convictions for such offenses were based on charges of either disturbing public order or illegally gathering without prior permission.

The law allows persons to gather to pray in private homes; however, it places restrictions on holding rituals, rites, or ceremonies in such locations and requires permission from local authorities for such events.

Foreign missionaries were not permitted to engage in religious activities outside of the institutions that invited them. The law requires 1-year, multiple-entry "spiritual activities" visas for foreign missionaries. According to the CRNA in 2002, all visa requests from registered religious organizations were approved. CRNA statistics showed that in



2002, over 1,250 foreigners went to the country to work with domestic religious groups. The CRNA reported that 956 foreigners came to the country during the year to engage in religious activity, education, and humanitarian assistance activity with registered religious groups; however, religious groups, even those with a long history in the country, continued to experience difficulties in obtaining visas. Members of the Hare Krishna and Protestant communities reported that they were unable to invite foreign clergy to participate in religious activity.

The Roman Catholic Church reported that local authorities in Grodno Oblast took steps to limit the number of foreign Roman Catholic workers, and in April, revoked the residence permits of three foreign Roman Catholic nuns who were subsequently deported. Bishops also had to receive permission from the CRNA before transferring a foreign priest to another parish. Since April, Grodno city authorities have repeatedly denied the registration of a foreign rabbi because he does not speak Belarusian or Russian.

Restitution of religious property remained limited. There was no legal basis for restitution of property seized during the Soviet and Nazi occupations, and legislation restricts the restitution of property that is being used for cultural or educational purposes.

Government officials and state media, including textbooks issued by the Ministry of Education, referred to nontraditional faiths as "sects," although it was not an official designation. In April and May, the Minsk Community of Krishna Conscience and the Union of Evangelical Faith Christians filed separate appeals to the Procurator General's office to remove a textbook that discusses the various characteristics of religious sects. On May 30, the Ministry of Education defended the use of the word "sect" as a scientific term and refused to remove the books from circulation or punish the writers of the book. However, the Ministry promised not only to instruct teachers to devote more time in their lessons to this issue, but also to consider the concerns expressed by Hare Krishna and Evangelical Christian groups, as well as to revise the controversial text when the book is reprinted. Fearing for their safety, some Baptist families in Brest Oblast and Minsk removed their children from classes because of the reference to "sects" in textbooks.

According to one Baptist leader, high school students in Brest Oblast were repeatedly questioned about their attendance at Sunday schools, the church they belonged to, and the names of their pastors and Sunday school teachers. These teachers were then requested to provide their curriculum to the high schools, which they refused to do.

Members of the Light of Kaylasa who were fined for their participation in unsanctioned demonstrations and protests reported that authorities have threatened them with confiscation of property and additional legal charges should their fines go unpaid. In March, authorities forced the parents of one member of the group to pay the outstanding fine of their son. On May 15, unknown assailants attacked a member of the group, while yelling anti-Hindu statements.

In September and October, unknown individuals harassed the family of BAOC priest Yan Spasyuk.

In two separate incidents in May and August 2002, skinheads attacked several foreign Jews in downtown Minsk. In one incident, police arrived at the scene but did not arrest the assailants. In September 2002, unknown assailants attacked a rabbi and his son near a foreign embassy in Minsk. Local guards at the embassy assisted the rabbi and notified the police, who opened an investigation into the incident that was pending at year's end.

In 2000, a court denied a request by the Jewish community to punish a company called The Orthodox Initiative that distributed an anti-Semitic book called "War According to Evil Means," since according to the judge, the book contained scientific information and was therefore not within the jurisdiction of the court. All subsequent appeals of the verdict were denied.

Anti-Semitic material, imported from Russia, could be found throughout Minsk. In April, several Jewish leaders appealed to the Government to stop the sale of Russki Vestnik, an anti-Semitic newspaper printed in Russia. In May, the Government ordered the removal of Russki Vestnik from stores and kiosks. In spite of the order, Russki Vestnik continued to be sold and distributed in Minsk. On October 25, the newspaper was distributed to participants attending a meeting of the All-Belarusian Cossacks' Association.

While the Jewish community continued to call upon the Government to prevent the sale of anti-Semitic literature, sales of such literature continued throughout the year in government-owned buildings and in stores and at events affiliated with the BOC. Anti-Semitic and Russian ultra-nationalistic literature continued to be sold at Pravoslavnaya Kniga (Orthodox Bookstore), a store operated by Orthodox Initiative, that sells Orthodox literature and religious paraphernalia. Although the store claims to be the official bookstore of the BOC, Metropolitan Filaret stated that such literature does not reflect the BOC's attitude towards the Jewish community and pledged to pressure

Pravoslavnaya Kniga to stop such sales. However, Pravoslavnaya Kniga continued to sell anti-Semitic literature at year's end. Anti-Semitic literature continued to be sold at kiosks selling Orthodox literature, including in one located in the National Academy of Sciences.

There were a number of acts of vandalism against religious groups during the year. In February, unknown vandals spray-painted anti-Muslim graffiti in downtown Minsk. In May and June, unknown assailants vandalized both Jewish and non-Jewish gravesites at three Gomel cemeteries. On August 25, unknown individuals broke into a private apartment and vandalized religious paraphernalia that belonged to the "Light of Kaylasa" which was using the apartment for religious services. On August 27, unknown vandals threw a Molotov cocktail on the front entrance of a Minsk synagogue. The attack resulted in minor damage to the entrance and no injuries. Throughout the year, unknown assailants also vandalized Holocaust memorials throughout the country, including the Yama Holocaust memorial in Minsk on May 26 and a new Holocaust memorial in Lida on October 13.

Unknown vandals destroyed crosses, both Orthodox and non-Orthodox, that were erected at Kuropaty, an area used by the NKVD to kill over 300,000 persons in the 1930s. The authorities made no attempts to find those responsible.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Both the 1994 and 1996 Constitutions provides that citizens are free to travel within the country and to live and work where they wish; however, the authorities restricted these rights in practice. Passports served as primary identity documents and were required for internal travel, permanent housing, and hotel registration.

In 1999 the Constitutional Court declared unconstitutional an article of the Administrative Code barring enterprises, establishments, and organizations from employing persons without a propiska (pass) or a registered address. Under that article, employers faced fines for giving jobs to persons who had no stamp in their passport indicating that their residence and their new place of employment were located in the same city or district. However, the extent to which this court decision actually affected the practice by local security officials was unknown. In practice, the right to choose one's residence remained restricted.

Official entry and exit regulations specify that citizens who wish to travel abroad must first obtain exit visas valid for 1 to 5 years. Once the traveler has this document, travel abroad was not restricted further by law; however, the authorities occasionally limited foreign travel. For example, they delayed issuing "global" exit visas and passports to some opposition activists in an effort to hinder their political activity abroad. In April, after a 17-month wait, local authorities issued passports to family members of BAOC priest Yan Spasyuk.

In July, authorities prevented a group of students of the Yakub Kolas Humanitarian University permission to travel to an international Academic Olympiad since the group leader's exit visa had expired. The institution believed that this was a deliberate attempt to interfere in the trip of the students.

Despite being released from his detention facility, Nikolai Markevich, editor-in-chief of the opposition newspaper Pahonia, was unable to travel abroad freely since he was technically serving out the remainder of his sentence, which is scheduled to expire in March 2004 (see Section 2.a.).

In July and August 2002, authorities began arbitrarily enforcing a law that requires those traveling to border zones to obtain an entrance pass (propusk). Observers believed that the decision to enforce the law was intended to prevent reporting on the August 2002 destruction of a BAOC church in the border town of Pogranichny.

The law restricts the emigration of individuals with access to sensitive state information, and any citizen involved in a criminal investigation was also ineligible to emigrate; however, authorities generally did not deny citizens permission to emigrate. Prospective emigrants who have been refused the right to emigrate may appeal to the courts.

The 1994 and 1996 Constitutions give aliens and stateless persons the same rights as citizens, except in cases established by law, international agreement, or the Constitution. The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. Under the latest version of the refugee law, all persons who applied for or received asylum are protected against refoulement; however, the Government often deported individuals transiting the country back to Russia, despite the fact that the UNHCR did not consider Russia to be a safe country for such purposes. Those

who were granted asylum during the year were from Afghanistan, Azerbaijan, Armenia, Palestine, and India.

Under both Constitutions, the State may grant refugee status to persons who were persecuted in other states for their political and religious convictions or because of their nationality. On January 4, President Lukashenko approved a new law on refugees, developed in consultation with the UNHCR, which eliminates the time limits within which aliens may apply for refugee status and on the duration of refugee status. It establishes specific responsibilities for relevant government agencies and establishes a procedure for unaccompanied minors filing for refugee status. The new law permits persons who had entered the country via Russia to remain and apply for asylum, something not permitted under the previous law. However, the UNHCR noted that the new law does not address such issues as the right of allowing for family reunification of a refugee, and the right of refugee applicants to be interviewed in a language they understand.

The authorities cooperated with the UNHCR and other humanitarian organizations in assisting refugees. Since 1997, 1,076 applications for refugee status were filed; of which 719 persons received refugee status. By year's end, there were 630 recognized refugees in the country, the majority of them from Afghanistan, Georgia, Armenia, Azerbaijan, Tajikistan, and Ethiopia. During the year, 138 applications for asylum were filed, of which 63 were approved. Five applications remained pending at year's end. In 2002, the UNHCR opened a center in Vitebsk providing temporary accommodations for 30 persons.

### Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The Government effectively denied citizens the right to change their government. The President dominates all branches of government. Since his election in 1994 to a 5-year term as the country's first President, he has consolidated power steadily in the executive branch. He used a 1996 referendum to amend the 1994 Constitution to broaden his powers and extend his term in office and ignored the Constitutional Court's ruling that the Constitution could not be amended by referendum. As a result, the political system is based on the 1996 Constitution, which was adopted in an unconstitutional manner.

The 1996 Constitution limits the legislature to meeting twice a year for a total of no more than 170 days. Presidential decrees issued when the legislature is out of session have the force of law, except in a few cases specified in the 1996 Constitution. The 1996 Constitution also allows the President to issue decrees with powers equal to that of law in specific, urgent circumstances, a provision President Lukashenko has interpreted broadly.

On March 2, local elections were held that were neither free nor fair. A delegation from the OSCE Parliamentary Assembly Working Group determined in mid-February that the Government had not begun a genuine process of democratization, but instead that the deterioration of human rights, freedom of the press and political freedom had worsened since the previous elections. The Central Election Committee (CEC) was composed entirely of Lukashenko supporters. The Working Group noted that of the 13,446 local election commission representatives, who were selected by local executive committees and councils, only 61 were representatives of political parties, and only 30 represented opposition parties. CEC officials contended that previous election experience was required to serve on the commissions. This requirement facilitated government control over election commissioners.

The local elections were marked by early voting, ballot replacement, and falsified vote counts. Approximately 14 percent of eligible voters voted in the 4 days prior to the local elections. State enterprises bused employees to polling stations for early voting, and in some cases demanded proof the employees voted. Opposition groups complained that these ballots were not secured between the early voting and the counting of votes.

The CEC did not invite international election observers to participate. There were 8,491 local observers who monitored the elections, but 5,294 of them were appointed from pro-government labor collectives. Opposition observers reported the mishandling of ballots and vote-count protocols, and the restriction of observer access to polling stations as the most common election violations. For example, armed police removed an election observer from a polling station in Brest after he requested permission to take a photograph, and opposition observers were barred from monitoring voting in hospitals in Brest and Grodno, both of which subsequently overwhelmingly voted for pro-government candidates. Observers also reported irregularities with vote tabulation. National Assembly members observing voting in Minsk reported that 600 votes for an opposition candidate in Minsk district were not counted. An opposition party member on a local election commission in Gomel claimed that he had been asked to sign blank ballot protocols prior to the election to "save time." After the elections, National Assembly members instigated a police investigation into voting fraud in the Minsk district of Malininsky. However, the lead investigator into the case was fired after he submitted his final case report, the contents of which were not made public.

Opposition parties had problems registering their candidates, and in the majority of districts, pro-government incumbents ran unopposed. Party candidates were often prevented from registering based on petty clerical errors on their registration forms and property declarations. Numerous opposition party candidates, who succeeded in registering, were arbitrarily deregistered just prior to elections. Most deregistrations occurred in Minsk. Sergei Chislov was deregistered just before the elections for showing anti-government films to his supporters. The day before the elections, opposition candidates Sergei Alfer, Yevgeny Lobanovich, Ivan Lobachev, Svetlana Korolyova, and Raisa Mikhailovskaya were deregistered for improper placement of leaflets and for giving interviews to independent newspapers.

Of the 25,805 candidates competing for 24,012 seats, only 693 represented opposition parties. Government efforts to falsify the elections were most pronounced in Minsk city and oblast. The pro-Lukashenko Belarusian Social and Sports Party was the only party to win any seats in Minsk city. Opposition parties fared better outside the capital, with 269 candidates winning elections.

There were signs of overt repression. For example, a candidate in Borisov was ordered by local security authorities to leave town for the duration of elections. In the 2 weeks prior to this warning, he reported that police had searched his home twice.

On November 23, bi-elections took place in Beloozyorsk to fill 12 remaining seats in the town council. Beloozyorsk was the only town where opposition candidates secured a majority during the March local elections, and the only town to hold bi-elections. Of the 10 opposition candidates who registered, 4 withdrew from the race under pressure from employers and local officials. Pro-government candidates won 9 seats on election day and one additional seat in runoff elections held on December 4. Independent observers voiced numerous complaints about violations of the electoral code and the use of a smear campaign in the local press against opposition candidates.

The September 2001 presidential election in which Lukashenko was reelected for a further term was described by the OSCE as fundamentally flawed. The OSCE reported that conditions in the months before the election precluded the possibility of a free, fair, transparent, and accountable election. The environment did not provide an equal opportunity for contestants or for the possibility that the public would be informed about the choices available. The voting and vote counting processes further restricted the rights of citizens to change their government. The OSCE/ODIHR report found that the voting procedures, including mobile ballot boxes, early voting procedures, and handling of voting lists provided several possible avenues for vote manipulation. The 2000 parliamentary elections also failed to meet international standards for similar reasons.

The Government used several tactics to intimidate and restrict the ability of opposition leaders and groups from organizing and publicizing their views. In a move widely perceived as preparation for the 2004 elections, the Government began to close independent newspapers and NGOs (see Sections 2.a. and 2.b.). In 2002, authorities added three articles to the Criminal Code that made libel of the President a criminal offense, which were used to punish not only opposition party members but independent media as well (see Section 2.a.). During the year, the Government used excessive force to disperse demonstrations by opposition parties (see Section 1.c.).

On March 27, President Lukashenko announced plans to establish a state ideology. While the exact details of what the ideology promotes remained unclear, President Lukashenko and other government officials said that the ideology would be based upon and promote the ideals of independence, loyalty to the state, "all the positive experience the country gained when it was part of the USSR," and the BOC. The Government earmarked \$2.14 million (4.5 billion rubles) and has established "information and propaganda" groups to conduct ideological instruction at work places on the third Thursday of each month.

Despite the fact that the basic tenants of this ideology were not known, President Lukashenko tasked officials and scholars to establish a state ideology, and ordered the Government to establish mechanisms to promote the state ideology, along with state media outlets, educational institutions, and pro-government youth organizations such as the Belarusian Republican Youth Movement.

Of the 110 deputies in the lower house of parliament, 14 were women, while 19 of the 63 members of the Upper House of parliament were women. With the exception of the judiciary, social barriers to women were strong, and men held virtually all of the leadership positions. The Ministers of Social Security and Health were the only female members of the Council of Ministers. The head of the Government's Central Election Committee was a woman, as was the head of the influential Property Department of the Presidential Administration.

The country was ethnically homogeneous; most minorities have long been assimilated. There was little ethnic discord, and persons from minority groups were represented at high levels of government.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic human rights groups were active in the country; however, members of domestic human rights groups reported that the authorities hindered their attempts to investigate alleged human rights violations. The authorities monitored NGO correspondence and telephone conversations (see Section 1.f.). They also harassed NGOs by bureaucratic means. The authorities generally ignored reports issued by human rights NGOs and did not meet with these groups during the year. Official state media did not report on human right NGOs and their actions; independent media that reported on human rights' issues were subjected to closure and harassment (see Section 2.a.).

The Government closed most major registered human rights NGOs and NGO resource centers during the year (see Section 2.b.). The law requires only two violations before the MOJ can initiate procedures against an NGO. The primary violations cited were failure to use the correct stamp for the organization, a mailing address at a residence rather than at an office, forgeries among registration signatures, and inaccuracies in organization letterhead. The Government's actions particularly focused on organizations that participated in observations of elections. On October 28, the Supreme Court closed Vyasna, one of the country's most prominent human right's NGOs. The Court refuted the prosecutor's charges that Vyasna falsified member signatures but closed the NGO for a 2001 violation during Vyasna's observation of the presidential elections.

On August 19, the MOJ issued a warning to the Belarusian Helsinki Committee, another prominent human rights NGO, for the absence of quotation marks in its letterhead and seal. The Belarusian Helsinki Committee would be closed after one more warning. On June 17, the Gomel Regional Court closed the Gomel-based NGO resource center, Civic Initiatives, claiming that the organization used foreign aid for illegal purposes. On July 9, the Brest Regional Court closed the Baranovichi-based NGO resource center Varuta, claiming that Varuta abbreviated its name in internal documents and referred to itself as an organization, rather than an association as stated in its registration. On July 31, the Vitebsk Regional Court closed the Vitebsk-based NGO resource center, the Center of Youth Initiatives Kontur, for violations in tax regulations and for failing to reside at the registered address. On September 10, the Independent Society for Legal Studies received its third warning for contributing to a bulletin of an unregistered organization, and the MOJ can at any point initiate proceedings to close the Society.

On August 21, a Grodno City Court outlawed the Grodno-based NGO resource center Ratusha for keeping and using a Risograph digital printing machine without a publisher's license. The NGO tried on numerous occasions to donate the machine, worth several thousand dollars, but no NGO had a license to publish and Grodno State University refused to accept it. On September 2, the MOJ issued a warning against the Lev Sapegha Foundation after expelling Jan Busch, a member of Germany's Youth Socialists who had come to participate in a seminar sponsored by the organization.

Independent observers viewed the closing of the NGOs and resource centers as politically motivated. On October 16, a Supreme Court judge closed the Lutskevich Brothers Foundation for using an incorrect seal and for having an office in a residence. The Foundation focused on historical research and social and cultural projects. The Government closed several other cultural and social NGOs, including Cassiopeia, Women's Response, and NGOs supporting women; several other such NGOs received warnings, including Karani, a Loyev-based historical NGO, the Gomel Children and Youth Organization, and Hand of Help, which provided assistance to prisoners.

In addition to punitive measures for NGOs introduced in earlier years, on December 17, President Lukashenko signed into law a bill introducing punishments for activity on behalf of organizations that are not registered by the MOJ. Those guilty of such offenses are liable to fines of \$80 to \$400 (175,000 to 875,000); a repeated offense would entail fines of \$400 to \$800 (875,000 to 1.75 million rubles) or up to 15 days in jail. The law also prohibits the media from disseminating information issued by nonregistered organizations. NGOs were already prohibited from receiving support from foreign sources.

Break-ins and questionable tax audits were less widely used than in the 2001 pre-election period; however, they remained problems during the year. The MOJ launched five inspections of the human rights NGO Vyasna between January 1 and July 16. Each inspection involved all of the organization's minutes, activities, and its general convention.

The country's poor human rights record continued to draw the attention of many international human rights organizations. In general, the authorities were willing to discuss human rights with international NGOs whose members were allowed to visit the country; however, members of some NGOs were refused permission to make such visits, and the authorities increased their harassment, often through taxes, of international NGOs working in

the country.

The UNCHR criticized the Government in a resolution that urged the Government to conduct a transparent investigation of the disappearances of prominent opposition activists and to suspend or dismiss those suspected of involvement in such disappearances (see Section 1.b.). The resolution also stressed the need to establish an independent judiciary, release journalists imprisoned for political reasons, bring the actions of its police and security forces into compliance with the International Covenant on Civil and Political Rights, and to comply with the various mechanisms of the Commission on Human Rights.

The Parliamentary Assembly of the Council of Europe (PACE) sent Christos Pourgourides, a Cypriot deputy, a Special Rapporteur to investigate the disappearances of Krasovsky, Gonchar, Zakharenko, and Zavadsky. PACE chose Pourgourides after the Government refused entry to well-known Russian human rights activist Sergey Kovalev. During his December 4 visit, Porgourides reported that several meetings were cancelled after officials managed to obtain a copy of his draft report, which they regarded as too critical. The report was not released by year's end.

In 2002, the Government denied visa extensions to OSCE Advisory and Monitoring Group to representatives in the country, which effectively forced the mission to close in October 2002. A successor mission officially opened in January based on an agreement signed between the Government and OSCE in December 2002; however, the new OSCE office only resumed activities in Minsk in March. No projects in the Civil Society working group were implemented during the year. According to the OSCE, its Representative on Media Freedom, Freimut Duve, and several aides applied for visas to enter the country for a series of meetings on September 1 and 2; however, the Government delayed acting on the application until after the proposed travel date had passed.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

Both the 1994 and 1996 Constitutions state that all citizens are equal before the law and have the right to equal protection of their rights and legitimate interests; however, they do not specifically prohibit discrimination based on factors such as race or sex. Racial and national groups, women, and persons with disabilities experienced discrimination.

According to the UNDP, there was no official discrimination against persons with HIV/AIDS. However, there was societal discrimination. HIV-infected individuals were afraid to disclose their status for fear of prejudice based primarily on a lack of understanding of the virus. Even among doctors there was even a strong fear of AIDS and lack of knowledge about the disease. The UNDP reports that there were very few medical personnel who dealt with HIV/AIDS patients and only one department at one hospital where HIV infected women could give birth. In prisons, HIV infected inmates faced strong discrimination and were segregated to minimize risk of injury or even death at the hands of other prisoners.

#### Women

Although government statistics were not available, women's groups reported that domestic violence, including spousal abuse against women, was a significant problem. The U.N. Development Fund for Women (UNFEM) conducted research, coordinated by the Association of Young Christian Women, which indicated that three-fourths of the adult population was aware of the problem of domestic violence against women. The research also indicated that one in three women have been beaten by her spouse or sexual partner. In 2002, the Ministry of Labor and Social Welfare issued a regulation to establish crisis centers, which NGOs operated during the year primarily in Minsk.

Spousal abuse is punishable under the Criminal and Administrative Codes. Non-severe beating is punishable by a fine or up to 15 days' imprisonment, while more serious offenses are punishable by up to 15 years in jail. Women's groups have indicated that police generally enforced the laws against domestic violence, and that the courts generally imposed these sentences. The primary problem remained a widespread reluctance among women to report instances of domestic violence due to fear of reprisal and the social stigma. Rape was a problem. A law against rape exists; however, most women did not report rape due to shame or fear that the police will blame the victim.

Although the authorities and local human rights observers reported that prostitution was not yet a significant problem, considerable anecdotal evidence indicated that it was growing, particularly in the outlying regions. According to government statistics, from January to September 2002, 13 persons in Vitebsk Oblast were charged with operating brothels. Street prostitution appeared to be growing as the economy deteriorated, and prostitution

rings operated in state-owned hotels. According to the most recent information available from the Interior Ministry, in 2002 about fifty Belarusian women were deported from foreign countries in 2002 for practicing prostitution. Trafficking in women was a serious and growing problem (see Section 6.f.).

Sexual harassment was reportedly widespread, but no specific laws other than those against physical assault deal with the problem.

The law requires equal wages for equal work; however, it was not always enforced in practice. Women had significantly fewer opportunities for advancement to the upper ranks of management. According to the Belarusian Union of Women, women held only 3 percent of executive positions in healthcare, 5 percent in science and education, and 6 percent in industry, even though women constituted 53 percent of the population. Women reported that managers frequently considered whether a woman had children when examining job candidates.

The level of women's education generally was higher than that of men. Women constituted approximately 58 percent of workers with a higher education and approximately 66 percent of workers with a specialized secondary education. However, between two-thirds and three-fourths of workers with a higher education (mostly women) lived beneath the official poverty level. Women were equal in law to men with regard to property ownership and inheritance.

Women's groups were active and focused primarily on such problems as child welfare, environmental concerns (especially the after-effects of Chernobyl), the preservation of the family, the promotion of women to decision making levels in the country, and the support of women entrepreneurs. During the local elections in March, 7,000 Belarusian Union of Women representatives worked in election committees and 12 women were elected to the Minsk City Council. In 2002, the Belarusian Women's Forum met in Polotsk to develop a strategy to improve the status of women. In May, the chair of the Christian Democratic Movement of Belarus, Lyudmila Petina, conducted a conference on gender equality in politics. Another international conference in December focused on the issues of women, education, and democracy. The UNDP project, "Support to Expanding Public Space for Women in Belarus," launched in 2002, was carried out during the year by the European Humanities University, with the participation of the Ministry of Labor and Social Welfare and was directed towards increasing the participation of women in decision-making positions in the socio-political, legislative, and professional spheres. There was also an active women's political party (see Section 3).

#### Children

The authorities were committed to children's welfare and health, particularly to overcoming the consequences of the nuclear accident at Chernobyl. With the help of foreign donors, they tried to give children special attention. During the year, the Belarusian Children's Hospice operated three regional hospices in Vitebsk, Gomel, and Mogilev in addition to their Minsk hospice. These hospices gave medical care to dying children, held a summer camp for kids with psychological rehabilitation needs, and educated nurses, medical workers, and parents. By law all inhabitants, including children, were entitled to health care. There was no reported difference between the treatment of girls and boys in the provision of either health care or education. Children begin school at the age of 6 and are required to complete 9 years, although the authorities made 11 years of education available at no cost and began to develop a 12-year education program. Higher education also was available at no cost on a competitive basis. Families with children continued to receive token government benefits, such as discounted transportation.

Although the Government did not keep statistics or report on cases of child abuse, there were instances of child abuse. However, there did not appear to be a societal pattern of abuse of children. The press reported that the authorities in Pinsk, Brest region, opened a shelter on December 31 for children who had been removed from abusive or negligent homes. Pinsk was the third city in the Brest region to open a social orphanage; the other two were located in Brest and Baranovichi. With the assistance of UNICEF, a network of 23 NGOs working for and with children has been established. UNICEF's counterpart NGO, the Belarusian Association of UNESCO Clubs, implemented a project entitled University of Child Rights, a peer-to-peer child rights education program, which involved a lawyer, a teacher, and a trainer holding training seminars for regional coordinators who each in turn trained teachers and high school students. These teams then conducted seminars in high schools. These seminars were adapted to cover child's rights issues important in each of these high school communities. The NGO Belarusian Assistance to Children and Young Persons with Disabilities, promoted the rights of children and young persons with disabilities.

Trafficking in girls was a problem (see Section 6.f.).

#### Persons with Disabilities

Discrimination against persons with disabilities in the provision of employment, education, and other state services was a problem, as was social discrimination. The law mandates accessibility to transport, residences, businesses, and offices for persons with disabilities. However, facilities, including transport and office buildings, often were not accessible to persons with disabilities. A program of measures intended to provide employment and medical care for persons with disabilities, adopted in 2001, lacked funds. The Government promised to construct at least one or two wheelchair accessible facilities in regional and district centers by year's end; however, according to the Republican Association of the Disabled, not all regional and district centers had completed this construction by year's end. In many cases, facilities had ramps at the entrance but no wheel-chair facilities inside, which made the buildings inaccessible to persons with disabilities in practice. However, some private buildings were made accessible to persons with disabilities.

According to the Belarusian Society of the Disabled, the Government took steps that raised concerns among citizens with disabilities. The Government's decision to support only government-run rehabilitation facilities, which were costly for the national budget and less suitable for patients than rehabilitation facilities that were run by NGOs, had a negative effect on the quality of care. The Government also decreased tax privileges for employers specializing in laborers with disabilities, abolished some general employment guarantees for individuals with disabilities.

On May 12, the National Association of Wheelchair Users protested the Government's failure to observe the constitutional rights of persons with disabilities, and its failure to address their concerns. According to Sergei Drozdovsky, leader of the National Association of Wheelchair Users, the Government failed to implement their program to make public places in Minsk wheelchair accessible, despite promises that it would do so.

The central authorities continued to provide some minimal subsidies to persons with disabilities and foreign and domestic charities operated to care for children with disabilities. In 2002, the charity Alesya, which aimed to provide medical aid and educational support to orphaned children and children with disabilities, was registered with the MOJ.

#### National/Racial/Ethnic Minorities

Legally the Russian and Belarusian languages share equal status; however, the Government at times harassed those that used the Belarusian language or promoted Belarusian nationalism. As part of the Government's efforts to promote a union with Russia and to reduce the influence of opposition movements, the authorities continued to discourage the promotion or teaching of the Belarusian language to students by limiting the availability of early childhood education in Belarusian. In Minsk, only 11 of the 242 middle schools taught in the Belarusian language. In other regional cities, the disparity was significantly greater. The authorities continued to claim that the only schools that have been closed that taught in the Belarusian language were those that experienced diminishing enrollment; however, observers doubted this claim.

During the year, youth belonging to Russian ultra-nationalist skinhead groups continued to be active. Foreigners, as well as citizens promoting Belarusian culture, continued to be targeted. On May 7, Alexander Milinkevich, Head of the Grodno Ratusha resource center, received a threatening letter from the Grodno branch of the ultra-nationalist group Russian National Union (RNE). In 2002, members of the RNE attempted to break into an office of the Belarusian cultural organization Belaruskaya Khata. The organization reported that its phone lines were cut, and its office door was damaged and defaced with swastikas.

On November 27, a Lebanese student at a Minsk university was attacked near his university. Foreign students reported to local media that such attacks frequently occurred, and that police did not attempt to prevent them.

On August 3 and November 30, unknown individuals vandalized the office of the Union of Poles in Grodno. In April, unknown individuals vandalized a Polish cemetery in Volkovysk.

On August 20, the MOJ issued a warning to the Union of Poles, the main Polish minority organization for using Polish, not Belarusian or Russian in its official stamp and letterhead. The warning was issued, although the Union of Poles had used the same stamp and letterhead for over 15 years, without incident.

During the year, the Government selectively enforced legislation preventing the sale of hate literature. On November 1, state-media reported that the KGB had seized large amounts of neo-Nazi literature and videos from a store in downtown Minsk. Despite the seizure, such literature continued to be sold at events and stores affiliated with the BOC (see Section 2.c). Despite assurances from the CRNA that the Government took all necessary steps to address such manifestations of hate literature, no concrete steps were observed during the year.



On June 27, the Council of Ministers and the Ministry of Education closed the Yakub Kolas National Humanitarian Lyceum, the only Belarusian language institution offering university preparatory instruction, following a 1-month dispute over the appointment of a government director of the Lyceum. The appointment was made despite the protests of students, teachers and parents who believed that the government-appointed director was not interested in continuing the Lyceum's emphasis on Belarusian culture and language. Between late June and September, students, teachers, and parents of the Lyceum held several demonstrations around Minsk in protest of the decision to close the Lyceum. Although the Government offered students places in other educational institutions, all of which are Russian-speaking, the majority of the students continued to attend Lyceum classes held in various facilities throughout Minsk. However, students, parents, and leaders of the Lyceum, as well as organizations providing classroom space, faced intimidation as a result of their connection to the Lyceum. On May 31, unknown assailants attacked Yakub Kolas, who fought them off and was not injured. On September 29, the Writer's House in Minsk, where the Lyceum students planned to attend a writing course, found their locks changed and the electricity cut off.

In September, the Ministry of Education twice ordered Alexander Kazulin, Rector of the Belarusian State University, to liquidate the International Humanities Institute (IHI), an independent educational entity that was affiliated with Belarusian State University and that received funding from international Jewish organizations. The IHI offered instruction in several fields, and specialized in Judaica studies. The Ministry of Education did not cite any reasons for seeking IHI's liquidation. On September 23, the executive board of Belarusian State University decided to re-designate the IHI as the "Humanities Institute of Belarusian State University," which permitted the institution to continue its various educational programs. Some Jewish groups expressed concerns that the move to liquidate the Institute was motivated by government retaliation for the August closure of the Israeli Embassy in Minsk and by a request of the Metropolitan Filaret who reportedly objected to the Judaica program.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of worker rights; however, these rights were not respected in practice. Measures to suppress independent unions included the arrest of members of independent trade unions for distributing union literature, confiscation of union materials, the denial to union members of access to work sites, excessive fines, and pressure on union members by managers and state authorities to join pro-government unions. Workers engaged in trade union activities not approved by the Government were pressured to quit their jobs.

During the year, the authorities took numerous measures to suppress independent trade unions and continued to interfere in the work of the Belarusian Federation of Trade Unions (BFTU), especially regarding activities of independent, affiliated unions. In June, the International Labor Organization's (ILO) Standards Committee included the country in its special paragraph on trade union violations for a second consecutive year and urged the Government to address the ILO recommendations to eliminate government interference in unions. On November 19, the ILO approved the establishment of a Commission of Inquiry to investigate alleged serious violations of workers' rights in the country.

On November 11, the Ministry of the Economy informed the ILO that all activities related to its technical assistance project to labor unions must cease, because the registration of the project was denied. On October 22, the Presidential Administration issued order 460 concerning the provision of international technical assistance inside the country. Ostensibly issued to clarify the tax treatment of foreign assistance funds, the order complicates project registration procedures by establishing government approval of project activities as a prerequisite for registration. In November, the President issued decree 24, which establishes regulations governing the receipt of foreign assistance that has not been approved and registered by the Government (see Section 2 b.). In refusing to register ILO's technical assistance project, the Ministry cited the exclusion of the BFTU from project activities. The Ministry insisted that assistance should be channeled through an agreement with the BFTU and not through direct cooperation agreements with federation-affiliated unions. Although the Ministry expressed dissatisfaction over the exclusion of BFTU leadership in ILO project activities, local branch unions affiliated with the BFTU participated in project activities throughout the year.

In 2002, the authorities orchestrated a government takeover of the BFTU and several national unions, which lead to an official complaint to the ILO. They also orchestrated the removal of Franz Vitko as chairman of the BFTU and replaced him with Leonik Kozik, a senior official within the Presidential administration handpicked by Lukashenko. Although the ILO challenged the election of Kozik, during the year, the ILO continued to assert that it was prepared to cooperate with any union organization in the country, including the BFTU, which endorsed the ILO's

recommendations for Belarus concerning government interference in internal union activities.

A Presidential decree requires trade unions to enroll a minimum of 10 percent of the workers of an enterprise to form and register a local union. The decree specifies a minimum enrollment of 500 members for national unions. It also obliges existing registered unions to reregister and to meet the new requirements. Free trade union leaders reported that this decree had the effect of making registration, and therefore union activities, nearly impossible in many of the larger state-owned enterprises. Some local unions have been denied registration under this decree. In July, the authorities of the Oktyabrsky District of Mogilev denied registration to the local branch of the Automobile and Agricultural Machinery Workers Union at the Mogilev Auto Plant. According to the authorities, the union's application lacked certain documents required for registration; however, union activists reported that administrators could not name exactly which documents were missing. In August, the Supreme Court ordered the closure of the Belarusian Air Traffic Controllers' Union (BATCU), the first instance of a court-ordered union closure. The Court determined that the BATCU's membership enrollment did not meet the minimum threshold of 500 members, established by presidential decree. The BATCU claimed that the union has approximately 1,000 members stating that the Government neglected to count members employed in enterprises outside of the capital. BATCU Chairman Yury Migutsky asserted that the State Aviation Committee sought the BATCU's closure because aviation workers' refused to accept contract-based employment in lieu of their career appointment status.

The authorities continued to discourage employees at state-run enterprises from joining independent trade unions. The BFTU, formerly the Belarusian branch of the Soviet Union's All-Union Central Council of Trade Unions, consisted of approximately 4.5 million workers (including retirees) and was the largest trade union organization. The independent Belarusian Congress of Democratic Trade Unions consisted of 4 independent unions totaling 15,000 members. According to BFTU figures, 90 percent of the workforce was unionized. Although wary in the past of challenging the Government seriously, some BFTU leaders became increasingly vocal in their criticism of the policies of the Government during the year. In retaliation, the Government threatened and harassed some BFTU officials. In March, President Lukashenko ordered Minister of Industry Anatoly Kharlap to settle issues concerning opposition voices within the Federation. The President gave Kharlap 2 months to solve this issue and report to the Administration. In October, the Presidium (the highest decision making body) of the BFTU voted to remove Bukhvostov as presidium representative of the Agricultural Machinery Workers Union (ASM). ASM union committee leader at the Minsk Tractor Factory Aleksander Kartsev replaced the ASM Chairman as the organization's representative to the BFTU Presidium. During presidium meetings, Bukhvostov repeatedly called for an end to government interference in the internal affairs of trade unions. On December 23, the ASM union called an extraordinary congress during which delegates voted to remove Bukhvostov from his position as chairman. ASM's deputy chairman accused Bukhvostov of ignoring FTUB decisions and politicizing trade union activities. After the vote Bukhvostov commented that human and trade union rights in the country continued to be violated on a tremendous scale.

In 2002, Kozik began a purge of BFTU dissident union activists and replaced them with individuals widely believed to be KGB agents. He fired the editor of the Federation's *Belaruski Chas* newspaper and orchestrated the removal of Alexander Yaroshuk, the then-chairman of the Agricultural Branch union (the largest state union in the country, with approximately 1 million members). In January, BFTU leaders fired six *Belaruski Chas* journalists, who stated that they were dismissed for supporting the editorial views of the paper's previous editor. The authorities continued to coerce union activists and focused efforts to remove two reform-minded BFTU branch union heads. On May 28, the trade unions at nine state enterprises merged to form the Belarusian Union of Industry Workers (BUIW), which subsequently became a member of the BFTU. The authorities and directors of state enterprises placed significant pressure on workers to join the BUIW. Independent union activists called the BUIW a pro-government, "yellow union" established to quell resistance to BFTU's pro-government agenda and undermine reformist grassroots unions. BFTU Chairman Kozik pledged his full support for BUIW, stating that the country needed a powerful union as no one in the Government wants to deal with a union limited to one factory. The BUIW allocated 2.4 percent of its membership dues to the BFTU. The BUIW had approximately 100,000 members. Kozik's radical shift away from union activism to pro-government agitation and integration of the BFTU into the government structure, led the ILO to challenge the BFTU's representation in ILO and Kozik's election as chairman.

Independent trade unions faced continual government harassment. In April, an ASM union activist was fired from the Grodno Truck Factory after a factory security guard discovered \$0.20 (454 rubles) worth of nuts and screws when he was leaving work. The worker was a member of a trade union commission in 2002 that uncovered management's failure to index back wages. On September 18, Chairman of the Belarusian Congress of Democratic Trade Unions (BCDTU) Aleksander Yaroshuk received a 10-day prison sentence for contempt of court. The Prosecutor's Office filed charges against Yaroshuk for describing the Supreme Court's decision to close the Air Traffic Controllers Union as "a stage play with an end known in advance" in an article published by an independent newspaper. On October 17, a Minsk Administrative Court sentenced BCDTU lawyer Vladimir Adynets to 5 days in prison for failing to appear in court as a legal representative to a plaintiff involved in a labor dispute when his client was ill and unable to attend proceedings. Members of independent trade unions faced continual pressure at their

places of work to join the BUIW or lose their jobs. Workers were repeatedly searched at factories to prevent the smuggling of information materials forbidden by plant directors. Directors of state enterprises restricted access to plant premises, limiting opportunities for unions to hold meetings with members. In November, the MOJ inquired into the membership lists of independent unions and the BCDTU.

By law, unions are free to affiliate with international bodies. In April, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Associations (IUF) suspended the membership of the BUAW and contacts with the BFTU. IUF General Secretary Ron Oswald stated that the BUAW and BFTU no longer met membership requirements as their leaders were appointed by the Government rather than elected. In December, the BCDTU became a member of the International Confederation of Free Trade Unions (ICFTU).

#### b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively; however, the authorities and state-owned enterprises hindered the ability of workers to bargain collectively and, in some instances, arbitrarily suspended collective bargaining agreements. On October 30, city authorities in Polotsk notified the management at the Polotsk Glass Fiber Factory and local branch of the BFTU that the registration of their collective bargaining agreement had been voided. Both independent and official union leaders continued to be sharply critical a presidential decree issued in 1999 intended to place all workers on individual rather than collective contracts. Union leaders believed the requirement was designed principally to enable the Presidential Administration to increase its control over the labor sector. Unions reported that some enterprises and state agencies pressured workers to accept individual contracts in lieu of collective contracts (see Section 6.a.).

The Constitution provides for the right to strike; however, tight control by the Government over public demonstrations made it difficult for unions to strike or to hold public rallies furthering their objectives (see Sections 1.d. and 2.b.). During the year, small vendors and workers organized several small strikes in various regions of the country. However, there were many instances in which management and local authorities frustrated workers' attempts to organize strikes by declaring that such activities would be illegal.

There are six special economic zones, all of which are subject to all provisions of the labor code.

#### c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children except in cases when the work or service to be performed is fixed by a court's decision or in accordance with the law on states of emergency or martial law; however, there were some reports that such practices occurred (see Section 6.f.). The Government approved several "subbotniks" by which workers "volunteer" to work on Saturday and donate the day's earnings to finance certain social projects. Participation in subbotniks was mandatory; workers who refused to participate were subject to fines and intimidation by employers and the authorities. Students also were forced to participate in potato harvesting activities.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law establishes 16 as the minimum age for employment. With the written consent of one parent (or legal guardian), a 14-year-old child may conclude a labor contract. The Prosecutor General's office reportedly enforces this law effectively.

#### e. Acceptable Conditions of Work

The minimum wage was \$22 (45,000 rubles) a month, which did not provide a decent standard of living for a worker and a family; however, average real wages improved during the year from approximately \$110 (200,000 rubles) to \$126 (264,000 rubles) a month. The country's continuing economic problems made it difficult for the average worker to earn a decent living, and major wage arrears continued to grow, especially in the agricultural sector.

The Constitution and Labor Code set a limit of 40 hours of work per week and provide for at least one 24-hour rest period per week. In reality, because of the country's difficult economic situation, an increasing number of workers found themselves working considerably less than 40 hours per week. Reportedly factories often required workers to take unpaid furloughs caused by shortages of raw materials and energy and a lack of demand for factory output.

The law establishes minimum conditions for workplace safety and worker health; however, these standards often were ignored. Workers at many heavy machinery plants did not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate existed but did not have the authority to enforce compliance, and violations often were ignored. In the first half of the year, 83 workers died and 318 were injured seriously in workplace accidents. The high accident rate was due to a lack of protective clothing, shoes, equipment, failure to observe temperature regulations, the use of outdated machinery, and inebriation on the job. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.

A 2002 Presidential decree lowered the level of disability allowances paid by the State or state enterprises for result of workplace injuries. Under the decree, industrial injury suits also are to be covered by the Civil Code, rather than the Labor Code. Independent union leaders believed workplace injuries should be reviewed under the Labor Code, which provides for more generous compensation.

The Labor Code accords foreign workers the same protections as citizens.

#### f. Trafficking In Persons

The law prohibits trafficking in persons; however, trafficking in persons was a significant problem. There were no reports of official involvement in trafficking; however, observers believed that given the extensive corruption that exists within the police and other agencies of the Government, such involvement was likely.

Provisions of the Criminal Code penalize trafficking in persons for the purpose of sexual or other kinds of exploitation. The Criminal Code also criminalizes the hiring of individuals in order to exploit them sexually or otherwise. The penalty for trafficking is between 5 and 7 years' imprisonment and severe forms of trafficking are punishable by up to 15 years' imprisonment.

According to government statistics, law enforcement agencies broke up 10 trafficking rings run by international organized criminal groups during 2002. During the year, law enforcement agencies initiated several investigations related to trafficking in persons. In November, the Ministry of Interior (MOI) reported that three cases were being investigated under the anti-trafficking law. For the same period, the MOI identified several returned Belarusian victims of trafficking, including 24 minors under the age of 18. Local NGOs and international organizations did not indicate that authorities mistreated victims. According to the MOI, courts opened 47 cases related to trafficking in persons. Of these cases, 24 perpetrators received prison sentences, 3 received hard labor, 2 were fined, 1 received community service, 11 had pending sentences, and 6 accused awaited trial.

The country was both a country of origin and a country of transit for women and girls being trafficked to Central and Western Europe for purposes of prostitution and sexual exploitation. The open border with Russia made the country a likely transit route for victims from Russia and points eastward. Trafficking remained a significant problem. The MOI was investigating leads concerning the alleged trafficking of Belarusian women to Cyprus. MOI investigators estimated that approximately 500 Belarusians may have been trafficked to Cyprus during the past 3 years. Victims were forced to work as dancers and prostitutes in Cypriot clubs, bars, and restaurants. The authorities released limited statistics on the problem of trafficking. According to country NGOs, several thousand Belarusian women were victims of trafficking. The country was also a country of origin and transit for women being trafficked to Russia, Ukraine, Lithuania, Germany, Israel, Poland, Czech Republic, Turkey, Cyprus, Bahrain, Syria, Greece, Hungary, and Serbia and Montenegro.

The Ministry of Internal Affairs acknowledged that criminal organizations may try to lure and recruit women into serving as prostitutes in Western Europe and the Middle East. Traffickers, who were associated with organized crime and drug trafficking, enticed their victims through advertisements for lucrative jobs in newspapers, on the Internet, and in advertisements posted in the metro.

The authorities continued to address the problem of trafficking in persons. In 2001, the MOI prepared a 5-year, 33-point strategy to combat trafficking in persons that covered ways of improving legislation, international cooperation, combating trafficking, and rehabilitation of victims. The strategy included various governmental agencies, such as the Ministries of Foreign Affairs, Labor, Education, and the KGB. On June 25, the country ratified the U.N. Convention on Transnational Organized Crime and the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. The MOI and the Ministry of Social Welfare were involved in anti-trafficking efforts. The Ministry of Labor and the Department of Migration continued to monitor the activities of businesses licensed by the Ministry to offer employment in foreign countries. In some instances, the Ministry suspended or revoked such licenses for failure to comply with the regulations governing overseas employment agencies. The MOI signed law enforcement cooperation agreements on fighting organized crime with Poland,

Lithuania, Estonia, and Moldova in 2002, which included cooperation on combating trafficking in persons. At year's end, the MOI was working to broaden its cooperation with international and foreign government law enforcement agencies.

Women seldom reported incidences of trafficking to police, probably because of the social stigma attached to trafficking crimes, a generally negative public opinion about law enforcement authorities, insufficient protection accorded victims and witnesses, and lack of reintegration services for victims. Most victims returned to the country as deportees and had not received special status as victims of trafficking in the countries to which they were trafficked. As a consequence, they were denied victims' access to return assistance and the likelihood that they would come forward once back in the country was reduced.

During the year, the UNDP launched a 2-year counter-trafficking program that focused on improving legislation, law enforcement efforts, and the provision of assistance available to victims. The International Organization for Migration (IOM) conducted a national awareness campaign and provided awareness training to NGOs in regional towns. The IOM made available resources to provide basic reintegration assistance to victims of trafficking. Crisis centers established by some NGOs provided psychological assistance to victims of violence; however, such centers did not include specialists in dealing with victims of trafficking.

NGOs operated two trafficking information hotlines; one in the capital of Minsk and a second in Brest, located near the Polish and Ukrainian borders. The hotline in Brest received 1,277 calls in its first year of operation; 66 percent of which were from women. Of the callers, 52 percent had questions regarding employment abroad, and 390 callers said they received proposals to work abroad from friends. The hotline in Minsk received an average of 100 calls per month.